

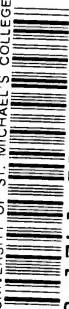
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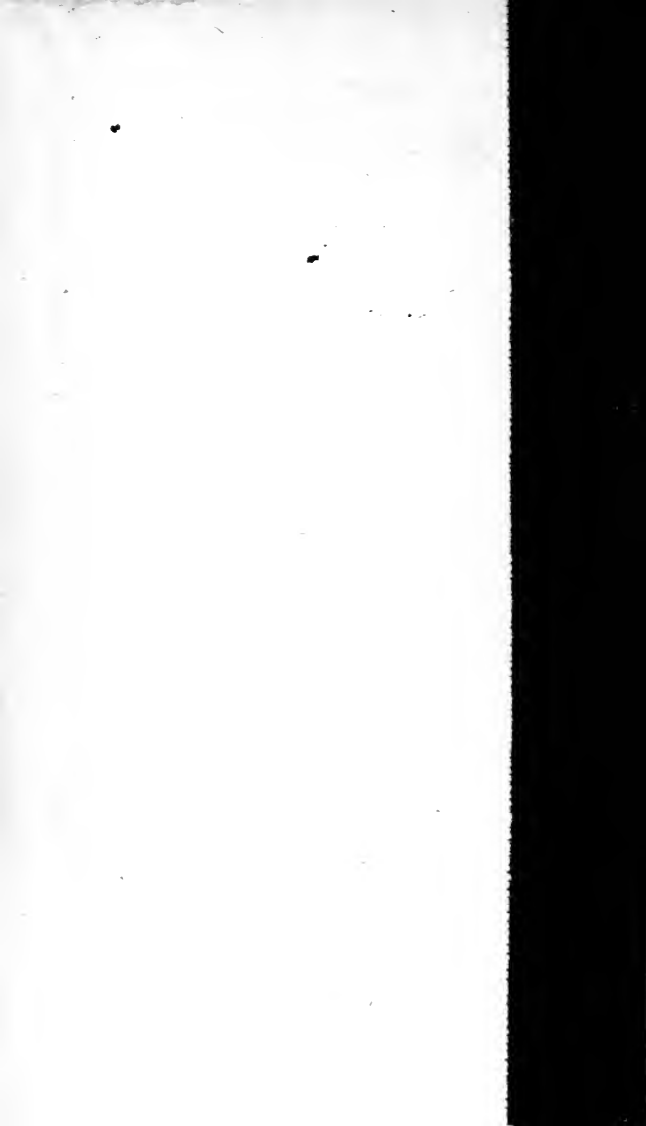
CHRISTIAN ETHICS ✱

BY REV. JAS. JOSEPH CONWAY S.J.

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THE
FUNDAMENTAL PRINCIPLES
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CHRISTIAN ETHICS

FIVE LECTURES

BY
REV. JAS. JOSEPH CONWAY, S.J.
St. Louis University, St. Louis, Mo.

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PREFACE



MY first intention, upon concluding to publish these lectures, was to supplement the necessarily condensed matter of the text with a running commentary in the shape of footnotes. I would thus have been enabled to enlarge upon points which the circumstances attending the delivery of the lectures did not permit me to develop at length. For there is much in the exposition and elucidation of the doctrine, as set forth in the lectures, which will appear abstruse, when it is really only condensed. The arguments, too, upon which the doctrine rests may at times, perhaps, appear unnecessarily profound or subtle, because I was not at liberty to spend more space and time upon their elaboration. The same observation is true of the systems of Ethics reviewed in these lectures. While I

have everywhere, in rehearsing them, aimed to render myself free from bias, that I might thus present a perfectly fair résumé of adverse views—and those familiar with these matters assure me that I have been very careful and without groundless prejudice—yet I feel that much has been lost to the strength of my own position and to the cause of Christian Ethics by the unavoidably close condensation of the ethical theories which I have examined, and by the brevity of the arguments and of the refutation which I have urged against them. A commentary, for this reason, would have added materially to the utility of the lectures.

Yet while a commentary in the shape of footnotes would, I see clearly, have compensated for the synoptical character of the text, the extent of such a work, were it to meet its demand, deterred me from pursuing it. For the fact is, that I began such a commentary—which is the reason why these lectures did not appear earlier—but the unwarrantable bulk to which the notes, and only necessary notes, to the first half of the

first lecture had swollen, convinced me that it would at least look better to relinquish my desire to furnish the lectures with a commentary. The disproportion would have been too awkward. For the commentary would have been a larger work than the lectures it was meant simply to supplement and explain.

However, it is my hope that even without the proposed commentary, these lectures will furnish suggestive reading matter to every type of ethical student. That they are opportune, I will not go out of my way to establish. Anything and everything touching the moral existence of man is always in place and time for the study of man. The destiny of man upon which the character and ground-features of his moral existence hinge, carries with it its own interest. Moreover, the natural law, conscience, the doctrine of right and wrong, human responsibility, and the eternal sanction of the moral law are at all times vital questions. Finally, the present chaotic condition of the public mind upon so many moral issues, ought to render every legitimate endeavor to circulate the

teachings of Catholic philosophy opportune and, in proportion to its fitness, also welcome.

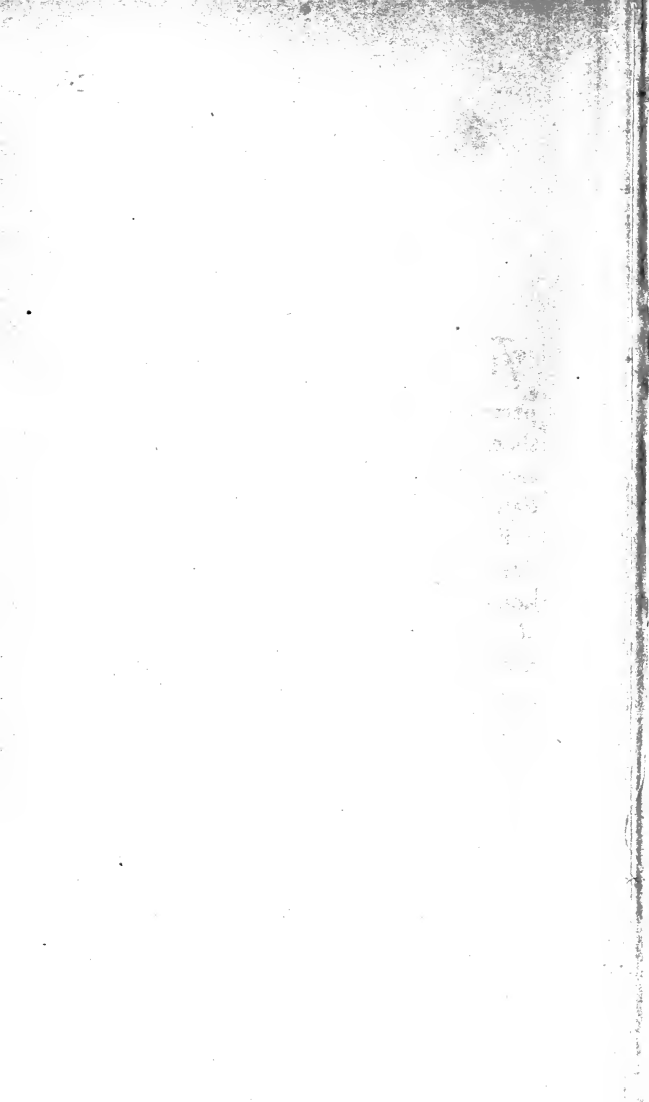
JAS. JOSEPH CONWAY, S. J.

ST. LOUIS, MO., May 1, 1896.

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INTRODUCTION



AS an introduction to the following brief course of General Ethics, permit me to set forth in one or two short paragraphs, first, the definition and secondly, the subject-matter of Christian Ethics.

Ethics, Moral Philosophy, or the Science of Natural Law—all designations of the same study—is that science of moral rectitude, which is gathered from and based upon the principles of Natural Reason. It is, first of all, justly denominated a science, because it is a knowledge acquired from first principles. It is, in the second place, properly termed the Science of Moral Rectitude; and this for two reasons: primarily, because its material object, as we say, or subject-matter, is the moral constant, the human act; and because, secondly, its formal or specifying object is the

ordination or correct adjustment of human activity to the attainment of man's final end, or destiny. Like every other department of philosophy, it is of course occupied with the pursuit of truth. But, differently from other philosophical studies, its special aim is practical, not speculative truth; that is, it seeks to establish and codify the true principles upon which human conduct should be invariably formed and regulated. It is, finally, a science based upon principles of Natural Reason, to distinguish it, in the first instance, from Moral Theology. For Moral Theology also deals, like Moral Philosophy, with the right adjustment of human actions to man's final end, but, differently from Ethics, it deals with this adjustment upon the principles of revealed religion and ecclesiastical legislation, rather than upon principles of merely Natural Reason. Ethics is, for this reason, distinguished in the second place from every form of modern moral empiricism. These theories of moral science are built exclusively upon the laws, customs, traditions, and social features of nations, peoples, tribes,

families, and not, accordingly, upon reason and the created nature of things. Finally, the Science of Ethics is based upon Natural Reason, to distinguish it from the moral conclusions gathered from any feature of exaggerated Rationalism, such as the Moral Purism of Kant, the Pessimism of Hartmann and Schopenhauer, the Moral *Æstheticism* of Herbart, and the *Cæsarism* and Moral Pantheism of the Hegelian School of Ethical Science.

Ethics, thus defined as the Science of Moral Rectitude upon principles of Natural Reason, is divided primarily into General Ethics and Special Ethics. Special Ethics deals with the moral principles underlying the manifold relations in which man stands to God, to himself, to society. These relations give rise to, or constitute, what are known as the Natural Rights and Duties of Man. So that Special Ethics, as a department of the science, treats successively of man's duties to God, of man's individual rights and duties, of man's social rights and duties. Society, however, is fourfold in its species. It is

domestic, civil, ecclesiastical and international. Hence, Special Social Ethics embraces, besides man's duties to God and his individual rights and duties, the broad sphere of his domestic rights and duties, his civil, ecclesiastical and international rights and duties. This is a vast and interesting field of moral study. It comprehends, when it treats of man's duty to God, questions of so great moment as the possibility, necessity, and fact of revelation, the duty of divine worship, and the natural obligation every man is under of embracing the true religion. It establishes, when it deals with man's duties to himself, the illicitness of suicide, the natural obligation of personal veracity, man's natural right to his good name and honor, the duty of philanthropy, the wickedness of revenge, the malice of a lie and of deliberate scandal, the intrinsic evil of homicide, the natural right of self-defense, the unlawfulness of dueling. It discusses the origin, nature, and modes of acquiring property, as against the modern errors of Communism, Socialism, Georgism, the natural ground-

works or the oath, the nature of contracts, the illicitness of usury and the natural law governing the creation and receipt of interests, commissions, rents, taxes, and a thousand other details of man's individual relations. In its discussion of man's social rights and duties, *Special Ethics* treats of the origin, nature, and kinds of society. It therefore discourses of the family or domestic society, and in connection with the family, it treats of matrimony, divorce, polygamy; of the rights and duties of the child, of the parent; of the servant, of the master; of the relation of employers and employees; of strikes, riots, anarchy. It examines the origin, end and structure of civil society, and, subordinately to the study of society, it treats of the origin of the supreme civil authority, of its subject, of the acquisition, loss, or transmission of the supreme power; of the relations of the subject to the State, that is, it treats of the rights, liberties, and duties of labor; of liberty of conscience and worship; of the liberty of the press, of the rights and duties of the State, and of the par-

ent in the matter of education. It deals with the liberty of association, with secret societies, corporations, private institutions, lotteries, etc. It treats of the legislative, executive, and judiciary power of the State, and of the various kinds of government; of monarchy in its various forms; of democracy and the representative form of government; of tyranny and despotism; of suffrage, of the convention, of elections, of women's rights, of political corruption. It treats of war and peace, of taxes, income, tariff, and of a hundred cognate questions.

But underlying the multitude of questions embraced within the scope of Special Ethics, are the principles of General Ethics. Special is, in fact, to General Ethics as the superstructure is to the foundations of the edifice. For in all man's relations to God, himself, society—that is in the exercise of all and each of his manifold rights and duties—the one thing everywhere and always at issue is the morality of each individual act. As a preliminary, therefore, Ethics should establish the leading and constitutive principles of the mo-

ality of human actions under any and all circumstances. This is the province of General Ethics. It is termed general, because its subject-matter is the human act as affected by that feature—morality—which attaches to it universally, *i. e.*, under any and all its possible aspects.

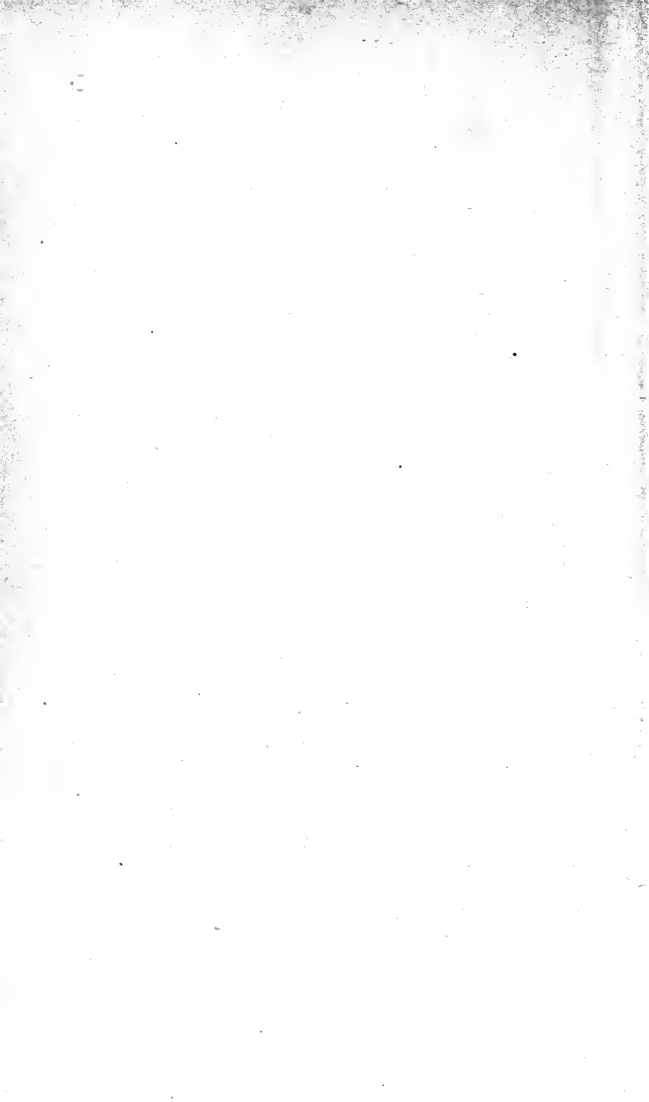
In its treatment of the morality of human actions in general, Ethics necessarily discusses five questions or ethical problems: (1) the physical elements and conditions of the human act; (2) the standard by which to judge whether an action is morally good or morally evil; (3) the Natural Law or the obligation we are under to do moral good and to avoid moral evil; (4) the function and authority of the Conscience or of our Practical Reason in the application of the Moral Standard and the Natural Law to our individual actions; (5) the doctrine of Right and Duty, or the moral basis of the juridical relations existing between man and man. These questions are essential as a foundation of Ethical Science. For no action is properly understood without a knowledge of

its physical elements and the conditions of its existence. Secondly, if we are to do morally good actions as against morally evil acts, we must be possessed of a standard or criterion, by which we may, as by a natural instinct or faculty, distinguish a good action from an evil action. Thirdly, to fully comprehend the philosophy of a moral action, it is not enough to know what is a good action and what, a bad one; we require, further, to understand why and wherefore we must do good actions and may not, although free agents, do evil actions. Moreover, fourthly, in practical life or in the actual exercise of human acts, the comprehension of the morality of an individual action involves a knowledge of the human conscience, the ultimate tribunal within us which settles the moral character of our own individual actions. And, finally, since the exercise of man's Rights and Duties is nothing but the exercise of moral actions in his relations with God, himself, and with his fellow-man, a complete view of the morality of human actions requires that we show that all man's Rights, and therefore his

Duties—even his positive Rights and Duties—have and must have an immediate or mediate moral basis.

Hence, in the present course of General Ethics, we will, in harmony with this universally admitted view, treat successively of the elements and conditions of the human act; secondly, of the Ethical Standard or moral criterion; thirdly, of the Natural Law or source of moral obligation; fourthly, of Conscience or the domestic, individual rule of conduct; and, fifthly, of the moral foundation of human Rights and Duties.

In my treatment of these questions, I shall aim mainly at three objects: (1) to be as full and as comprehensive as possible within the time allotted to me; (2) to be as plain and simple as the matter will permit, so as to accommodate myself to as many as possible, and (3) to adopt the didactic, rather than the polemic or eclectic method of setting forth these eminently necessary truths of Christian Ethics.



LECTURE FIRST



THE SUBJECT-MATTER OF ETHICS

OR

The Aim, Principles and Conditions
of the Human Act

CHRISTIAN Ethics rests upon the principle and fact of creation. From Natural Theology, the Christian moralist assumes that *this universe of things came forth from an all-wise and holy God*. From Cosmology, he recognizes that *all things tend towards a final end*. In virtue, therefore, of these truths, it follows that, on the one hand, God is the "Alpha and Omega," the First Cause and Last End of all things, and that, on the other, the creative act cannot remain ineffective. Its efficiency must in fact be manifest in creatures, and creatures do exhibit, first of all, in their several natures, an aptness of certain agents for certain ends. There is, in the second place, an individual bent or active direction and impulse in every

created thing in virtue of which each, in its allotted course and after its appointed manner, tends towards the accomplishment of its assigned destiny. In virtue, therefore, of the creative act, the entire universe, whether distributively or collectively considered, is in motion at once infinitely varied and harmoniously united, towards the end appointed by the Creator. This movement—mechanical, merely vital, or spiritual—is revealed in, and executed through, these natural operations by means of which creatures attain to their respective individual perfections. It is not, accordingly, to the same length final for every creature. It, therefore, ceases for each, where the specific complement or perfection of its nature shall have been realized. From the specific nature, then, of each creature, we are to gather at once the character and the finality of the end for which it exists. Not that the nature of a thing is the primal or originating cause of the movement by which each is borne to its destiny, but because the nature of a thing is the proximate root and created immediate source of

this activity. For every creature is, by its very constitution, radically adjusted and potentially equipped to attain the destiny assigned to it by the Creator. Consequently, every act or movement, emanating, as it does, from this adjustment and equipment, is proportionate to this nature and to the powers of this nature, as the effect is to the proximate cause.

The creature, man, is no exception to this fundamental doctrine. As his fellow creatures, so, too, man came forth from God as from his First Cause, with an end to reach in the exercise of his native powers. Like these, therefore, he is, perforce of his created existence, in motion towards his last end. As, again, in creatures, so, too, in man, this movement is remotely founded in man's nature and proximately carried forward by the exercise of man's activity in the pursuit of his specific perfection, that is, his perfection as a rational being. Now, it is the relation existing, proximately, between this exercise of man's activity and, remotely, between his nature on the one hand, and his final end

or ultimate perfection on the other, which constitutes the subject-matter of General Ethics. Hence, in setting forth the fundamental principles of Ethics, the first step we must take is to determine accurately the elements of this relation. They are evidently two: the final end of man, and the human or free act which is the natural expression of that activity within him, by the exercise of which man is to reach his ultimate perfection. As, however, the nature of the human or free act is determined by the principle from which it emanates, and the essential conditions under which it must be exercised to be truly human or free; there are, therefore, three distinct conclusions to be ascertained as a basis of all ethical teaching. We are, first, to determine what is the final end or perfection of man; secondly, what is the physical principle of human acts; and, thirdly, which are the conditions under which a human act must be exercised to be justly reputed ethical. For it is impossible to treat ethical principles intelligibly, without clear and fixed notions of the destiny of man, and of

the act or operation through the life-long exercise of which he is to achieve this destiny.

Let us turn, then, to the first conclusion, which we must reach, viz.: What is the final end of man. And, first of all, that as little obscurity as possible may attach to the doctrine as we shall set it forth, we will enunciate it entirely and distinctly in the following proposition:

The final end of man is happiness; this happiness, however, cannot be completely realized in the possession of any finite good; it is found only in a knowledge and love of the Supreme Good, which is God, and is therefore attainable perfectly in the next life only, and in this life but incompletely and meritoriously, through the life-long subordination of the sensitivo-rational happiness of the present existence to the pursuit of our perfect happiness in the future life.

This proposition sets forth five distinct principles or points of teaching upon the destiny of man. It declares: (1) that the final end of man is hap-

piness; (2) that the object of this happiness is no finite good, but God, the Infinite Good; (3) that we possess this Infinite Good through the knowledge and love of God; (4) that this knowledge and love is imperfect in this life, perfect only in the next; (5) that the end of man in this life is to make sure of his everlasting happiness in the next.

To ascertain the end for which a creature was made and the aim of its operations, we logically turn, as we intimated above, to its nature or, more immediately, to the specific tendency of this nature. Now, the distinguishing or specific tendency of human nature is exhibited in the rational appetite, or the will in man. Being his rational tendency, this appetite is, therefore, supreme and holds his other inclinations in control and subordination. From his will, therefore, as from his supreme and specific inclination, we determine what is the final end of man. And, first of all, man's final end must evidently be that which ultimately and completely fulfills this inclination. On the other hand, nothing permanently and fully rests the

will but the lasting possession of that which the mind apprehends as the good of the will, and, therefore, of the nature of the whole man. Goodness or "The Good" is, in the first place, the natural object of the will. In the second place, it is "The Good" in so far as it is presented by the mind to the will. For, as the adage quite philosophically puts it, "*we never love or desire the unknown.*" Moreover, and in the third place, as an inclination remains unsatisfied, and the will, therefore, which is man's specific inclination, is at unrest until lastingly united to the true object of its appetite or desire; the lasting possession of that which the mind apprehends as its good, is essential to the entire satisfaction of the will. From these principles we gather that the final end of the human will is the possession of that which is presented to it by the mind as its complete good; and that, therefore, the final aim of human nature is happiness. For happiness, to define it with St. Thomas, is "*the possession of the perfect and sufficient good excluding all evil and ful-*

filling every desire." The will, on the other hand, inasmuch as it is a natural inclination towards all good, or "The Good" as its term, will necessarily remain unsatisfied until it shall have attained to this perfect and sufficient good excluding all evil and fulfilling every desire. The will, then, is made for happiness. But, as we have already noted, it is at the same time the supreme expression of man's natural expansion, or final inclination. Hence, it follows that the ultimate end of man is happiness. This was the first principle set forth in our doctrinal proposition on the end of man.

But as I have intimated, if not distinctly stated, happiness is a condition, a state growing out of the possession by man of that good which perfectly and sufficiently satisfies him. Now, what is this good which so rounds up man's desires as to realize this condition and ultimately induce this state of human nature? Good, we understand, is and in its final division can be but of two kinds, the finite good and the infinite good. Now, it is not denied here that finite good

contributes to man's happiness. We claim even that, inchoatively at least, man's happiness does depend in some degree upon finite good. But that which Christian Ethics insists upon is that no finite good is adequate to man's perfect, final happiness. Of this fact there can hardly remain any doubt when we observe, on the one hand, the essentials of a completely beatifying good, and on the other, we note the absence of these essentials in any finite good or sum of finite goods.

A completely beatifying good must be: (1) absolute, not relative, in its excellence, that is, it must be sought for its own sake and not in view of a further good; it must (2) be adequate in its excellence, that is, it must leave nothing to desire; it must (3) be immutable in this same excellence, inasmuch as it must never fail for any external cause whatever, or undergo any internal vicissitude. Now, no finite good exhibits all these essentials. For, to review them, we distinguish finite goods into three classes; the goods of fortune, corporal goods, and spiritual goods. The goods,

certainly, of fortune—riches, honors, dignities, power, friendship—are not sought for the passing excellence in them, but finally for the good that will accrue through them either to the mind or to the body or to both. Moreover, the possession of these goods leaves much to be desired which far more than these conduces to the good of body and mind. while, in a word, there is nothing so unstable and fickle as fortune. Corporal goods—life, health, vigor, strength, beauty, and sensitive delights—are, manifestly, inadequate as a completely beatifying principle. They are in themselves an inferior expression of good, and are, further, real goods of man only in so far as they are subordinate to and promote his higher or intellectual excellence. And were they even absolute and adequate principles of happiness, they would surely fail in stability. Nothing is more uncertain than the things of the body and the goods of sense. The only finite goods which, at first, would appear to guarantee complete human happiness are those of the soul; knowledge, wisdom, virtue and the gifts

of grace—in a word, to be endowed with a spiritual nature and the accidents of a spiritual nature. But let me say, that to be endowed with a spiritual nature is not, alone, a sufficient good. Man requires, further, faculties. Faculties, however, which would remain inactive, were an evil or at least a deformity. And yet the mere exercise of even our sublimest faculties is but a means to an ulterior good, either in the natural order, as knowledge, science, wisdom, or in the supernatural order, as grace, virtue, merit; while these, again—some of them, or all of them—exhibit no absolute and adequate excellence. Thus, knowledge, science, wisdom, are but habits or states of the mind in the pursuit and development of intellectual good, and, accordingly, as perfections of the mind, they are but limited goods. Faith, grace, virtue, merit, deal indeed with the absolute and wholly adequate good; but only as an infused and obscure knowledge of it, as a disposition for its possession, as a struggle after it, as a certain claim upon it, not as the actual pos-

session of its all-quieting excellence. Hence, it follows that no finite good, be its order ever so superior, can constitute the object of human happiness.

- But the same conclusion is equally true of the sum of finite goods. For the capacity of finite goods to perfectly exhaust the human craving for happiness is not their quantity. It is their quality. Now, their sum will not change their quality. They still remain finite; and, remaining finite, continue to subsist as relative, inadequate, unstable principles and objects of human happiness.

The Infinite Good is, therefore, the true object of man's happiness. This follows not simply from the exclusion of the finite good; but, further, both from the innate constitution of rational nature for the attainment of the Infinite Good, and from the graded final order of creation. Man is made for the infinite. His mind is a capacity for "*The All-True*," his will for "*The All-Good*." Now, "*The All-Good*" is not concreted in any real object outside the Infinite any more than "*The All-True*." It could not be and not, at the same time, constitute

such object infinite. Consequently, the natural, finally quieting, and wholly perfecting, object of the human will is the Infinite Good, in the same manner that the natural, finally resting, and completing object of the human mind is the Infinite Truth. On the other hand, the final end of all creatures is God, the character of the tendency in each towards Him being determined by its nature and its grade in the scale of being. For the nature and grade in being of a creature defines the final perfection it has been ordained to reach, and in the attainment of which it exhausts its subjective and final tendency. Hence the manifold ascending series we observe in creatures, indicating so many corresponding grades of perfection and orders of final tendencies. Now, man is at the summit of created things, and his perfection is the complete satisfaction of an infinite appetite for good. His final subjective tendency, therefore, cannot be completely satisfied, but by an object, a Good, in which is realized all that is good, cannot, accordingly, be finally set at rest, but by the Infinite

Good. Hence, as we stated in the second part of the proposition we are evolving, the object of human happiness is no finite good. It is, therefore, God, the Infinite Good.

However, it can have escaped nobody that man, to be happy, must be united to the object of his happiness. In fact, that this must be so, offers no difficulty. It is the nature, rather, of this union with which we are concerned. How, then, is man to be united to the Infinite Good? One thing we understand clearly in advance. He is certainly to be united to it in a manner in keeping with man's nature, and, therefore, after a manner which is within the capacity of his specific faculties: his reason and his will. Hence, this union is to be by no physical comprehension of the Infinite Good; inasmuch as man's nature and man's faculties, being physically finite, are incapable of containing the infinite physically. Moreover, since this union is to be effected through the specific faculties of man, it is, therefore, a possession of the Infinite Good, or God, to be secured through the knowledge and

love of God or through the acts of these two faculties. And this for two reasons. It is, first, by knowledge and love of it, that man comes, primarily and principally, into possession of any and all his rational and specific goods; secondly, knowledge and love constitute not simply the exercise, but the highest exercise of man's faculties or activities; and it is by the exercise of his noblest activity upon the noblest object of his activity that man realizes his specific perfection, and ultimately exhausts the final tendencies of his nature. However, while man is united to God by knowledge and love, this is effected primarily and principally by knowledge, and dependently, although concomitantly, by love or by the fruition of the Infinite Good which the intellect reveals to the will. This is the nature of the will. Of itself, the will is blind, that is, it is not fashioned to know, but rather to wish, that is, to seek what is known. It follows, and, in its action, is proportionate to the action of the mind. Finally, the knowledge itself through which we come into possession of the

infinite, may, following the duplex activity of the intellect, be either discursive or intuitive. For all knowledge is either intuitive or discursive, that is, attained to by reasoning.

Now, looking at him as he is now situated, that is, viewing man in the order of the destiny in which he has been from his creation constituted—the supernatural—the knowledge by which man is to be united to God in an absolutely perfect happiness, will be intuitive not discursive. For, that man's ultimate happiness be supreme in the order of his supernatural destiny,—in which the immediate vision of the Divine Essence is his supernatural and only final end—his knowledge of the Infinite Good, upon which this happiness depends as upon an intrinsic condition, must be the most perfect exercise of the most perfect faculty, acting in the most perfect manner, upon the most perfect object of that faculty. Now, this most perfect exercise of the speculative intellect is the intuitive vision, not the discursive cognition of the Divine Substance. Accordingly, the knowledge of God, the Infinite Good, upon which that

happiness depends which is to perfectly and sufficiently exhaust man's appetite for good in the present order of Divine Providence, is the intuitive vision of the Divine Substance.

In Moral Science, however, man is considered not relatively to his present situation or to the order of his actual destiny, but absolutely. In Ethics we take account of that only which is part and parcel of nature alone in man. We are forced, therefore, to prescind entirely from the supernatural, although it has always been the *de facto* feature of man's destiny. Moral Philosophy is founded upon the study of man's nature in its normal environment and as possessed of that only which belongs to it as simply human nature. It, therefore, deals with man as if he existed in the state of pure nature. To view him from any other station would be to introduce Revelation into Ethics, and to thus eliminate the rational basis of Moral Science.

Well, now, in the purely natural order man is not, or more correctly,—since he never existed in the state of pure nature—would not be destined to the imme-

diate vision of the Divine Essence. In this purely natural order, his destiny would be a natural blessedness resting upon a knowledge of God as He is revealed to us in the creatures which He has made, and upon a love of God proportioned to this knowledge. Such knowledge would be discursive not intuitive; and while, relatively considered, that is, in view of a supernatural or intuitive cognition, it would indeed be imperfect, yet, studied independently and within the sphere of the natural order to which it belongs, it is, or would be, a perfect knowledge. It would not be an intuitive vision of God, inasmuch as an intuitive vision of God is not natural to any created intellect, not even to the angelic. For there is no power in created intelligence to compass such knowledge, nor, on the other hand, is there any exigency of this vision, growing out of the destiny of man's nature. Yet within the sphere of the natural, this discursive knowledge of God would be perfect, inasmuch as it would correspond to and be so accommodated to the native powers of human intelligence



as to completely exhaust their natural capacity for knowledge. The knowledge, accordingly, through which man comes or would, in the purely natural order, come into the natural possession of God, the Infinite Good, is not intuitive but discursive, and with the love of God which is founded upon it and is proportioned to it, it is perfect within the sphere of the natural order.

Now, it is evident that a perfect happiness of even this natural order is impossible in this life, either as a fact or as a principle. Why, the very basis and postulate of perfect happiness—the indefectibility of life itself—is wanting in this life. Nothing ceases with so appalling a regularity as man's existence in the present life. On the other hand, the necessary conditions of perfect happiness are impossible here, even apart from the transitory character of the existence itself. Perfect happiness involves absolute freedom from moral drawbacks. And this is impossible in a world of ignorance, concupiscence, passion, temptation, sin. Perfect happiness, again, is incompatible with phys-

ical ills. And physical ailment seems to be the daily experience of mortals. Perfect happiness is, once more, an immutable condition of the whole man; whereas, of a fact, everything in man is subject here to ceaseless and complicated changes. Perfect happiness finally rests, as we have seen, upon the perfect knowledge and love of God, a fact which alone goes all the way to exhibit its impossibility in this life, where all our knowledge of God is imperfect, attained, as it is, by negative, rather than by positive, conclusions. For it arises from the study of contingent things; whence, through the remotion, by reflective elimination, of what is defective in the perfections we observe in these limited creatures, and by the subsequent predication, in their unlimited sum and excellence, of these purified perfections, we find in creatures, of the Creator Himself, we arrive at an abstract, mediate and analogical knowledge of God.

And yet, if, as this fourth conclusion in the proposition we are establishing goes to show, perfect happiness is im-

possible in this life, we naturally seek to know why then are we here. What is the end of man in this life? The end evidently must be the same in this life as it is in the next. For as man, according to the totality of his nature, tends, whatever his partial and minor inclinations, towards that which is simply, that is, all things considered, his last end, so, too, according to the totality of his duration, howsoever diverse may be the aims of certain periods of it, man's existence, as a whole thing, has but one, not a multiple, end. He has not, therefore, one end to reach in this life, and another to attain to in the next. In this as well as in the next life, there is but one final end appointed for man—the knowledge and love of God—with regard to which he exists during the totality of his duration, in two states, the one a future state of possession or loss, the other, the present state of tendency and meritorious acquisition. Hence, the end of man which is assigned to his present life as distinct from his future state, is the prosecution of his ultimate happiness in the next life. There is, in-

deed, a sensitivo-rational happiness natural to man in this life, and proposed by his Creator for the enjoyment of man. It is the fruition of the goods of this time and the exercise of man's rational, sensitive, and even vegetative functions upon their proper objects, and for their respective perfections, and for the fulfillment of their several final, although subordinate, tendencies. Yet when we observe that man's nature is a unit, the sensitivo-rational happiness of this life, must, of its very nature, comprehend no indulgence, in the goods of this life, nor any exercise, nor any use of mental or corporal faculties, which is not positively subordinated to man's last end—the possession of God in the next life. In virtue of this unity of his nature and the absolute finality of his specific tendency, man can positively have but one final good, either in this life or in the next; so that if, therefore, he is by his sensitivo-rational composition ordained to find happiness in finite, mundane, sensitive goods, it is only in as far as the use and enjoyment of them is positively subordinated to the prose-

cution of his final end, the possession of the infinite excellence of the Divine Goodness. From the truth of which we now, by way of conclusion, gather the entire ground principle of Christian Ethics touching the final end of man and the ultimate aim of human activity, as set forth in the proposition, whose five clauses we have just evolved, viz.:

The final end of man is a happiness, which cannot be realized in any finite good, consisting, as it does, in a knowledge and love of the Supreme Good, which is attainable perfectly, indeed, in the next life, but, in the present, incompletely only and meritoriously, through the life-long subordination of the sensitive-rational happiness of this life to the prosecution of the endless happiness of the next life.

Man cannot, however, attain to this final good except, as we outlined above, through a life-long exertion of his activity in pursuit of it. On the other hand, man is endowed with a multiple activity. What feature or form of this activity, we now naturally inquire, has a direct reference to man's final end?

For it is this activity, or, more immediately, the actions emanating from this activity upon which, in detail, all ethical discussion and theories of morality turn. They are, in fact, for this reason, called ethical or moral acts—the Greek and Latin nomenclature for the same idea—because, of all man's actions, these, in particular, exhibit his customs, manners, ways, conduct, in as far as all these are created and shaped by his attitude towards his final good and towards all things that are connected with it in their combined and varied influence upon man's sensitive and rational nature.

Omitting, therefore, the merely physical and locomotive forces in his composition, the activity of man is threefold; vegetative, sensitive and rational. Of these, it must be evident that the activity which places man in communication with his specifying end, the Infinite Good, is the same which thereby distinguishes him from other living beings and makes him what he is—man. This is, without dispute, his rational activity. His other faculties do, indeed, subserve

the same final end, but only in so far as they are positively subordinated to the control of this rational activity. Man's rational activity is, however, mental and volitional. From which form, then, of this dual activity do those actions proceed by which man's attitude towards his final end is actually and habitually shaped and defined? That the answer to this point may be more scientifically stated and more conveniently retained, we state it in the following doctrinal proposition, that, viz.:

Inasmuch as his free will exercises supreme dominion over all the other faculties in man, it therefore constitutes the distinctive principle from which all his moral acts proceed.

In this proposition we have a doctrine enunciated and the grounds upon which it is advanced succinctly set forth. The doctrine is that, the free will in man is the efficient principle of moral acts. This is evident (1) from the relation of man's will to his last end; (2) from its identity with his final and specific inclination; and (3) from the native ordination of the will towards good.

For, in the first place, man certainly will never arrive unto his last end, unless he will it—unless, that is, he freely perform those actions to the persevering exercise of which man's ultimate happiness is finally attached. Inasmuch, therefore, as he is the efficient, created cause of his ultimate happiness, he is, for this reason, the efficient principle of those acts upon which this happiness ultimately depends. These acts are the acts of his free will. And, again, man's free will is the expression of his natural or specific tendency, being the supreme appetite of his rational or specific nature. It is, then, the active source of those endeavors or acts put forth by man during life in quest of that which he apprehends to be the object of this tendency, that is, his real or apparent good. Finally, it is, as we have shown, the will in man which has the good—the infinite, all-good—as its aim. The will, then, is the source of those acts by which the good is lost or gained.

However, admitting, as experience forces us to admit, that, on the one

hand, every faculty and activity in man seeks, in its own way and within its own sphere, the perfection or good for which it was ordained; and, on the other, admitting the unity of nature which lies back of every diversity of pursuit and activity in man; we understand that there is necessarily a subordination in these activities, and, for the same reason, a supremacy of one over all the other faculties—a ruling power at whose dictate all other faculties act or do not act, act one way and not another, act the good or act the evil. This faculty is the will. The individual experience of mankind asserts its supremacy. For the record of each one's actions will amply establish the fact that the final motive, which in every instance determined us to act or not to act, was because we so willed it; which decided us to act one way and not another was, again, because we so willed it; which, finally, induced us to act well and not ill, or ill and not well, was always because we so willed it. But not only is this our universal experience; it is, further, an experience founded in the very

nature of our determination to act. Our motive for acting or not acting, for acting thus or otherwise, for acting well or acting ill, is the good which really or apparently accrues to us from the action. Good, accordingly, is the motive principle of our acts. But, now, the faculty to which good as a motive appeals, is that of the free will. The free will, then, in man, is the source of those acts whose motive cause is the good that will result from their exercise. Hence, reason, equally with experience, establishes the supremacy of the will over all our other faculties, placing it, accordingly, by the very nature of its freely inhibiting or freely permitting control, in command, not simply of its own acts, but, further, of the actions of all our other faculties. It becomes, thereby, responsible for their morality, that is, their adjustment or non-adjustment to the pursuit of man's final end, the Infinite Good. Hence, it follows, that as we stated in the proposition in which we summed up this reasoning, that *Inasmuch as his free will exercises supreme dominion over all the other fac-*

ulties in man, it constitutes the distinctive principle from which all his moral acts physically proceed.

It must, however, be observed that the free will is not the principle of moral action, under every and any condition of its activity. It must be supposed to act under normal conditions. This is a fundamental hypothesis in the exertion of any force, natural or artificial, free or necessary. For, otherwise, it would be, for the end in view, rendered practically out of proportion. The conditions, therefore, of its existence must enter into the moral consideration of the human act. Now, looked at singly, the normal conditions of human activity may, indeed, vary for the will of every individual, and with the intrinsic and extrinsic circumstances surrounding the exercise of its several acts. Considering, however, the fundamental relations of the will, these conditions may be satisfactorily classified. For the will, although supreme in man, cannot, in view of the singleness of man's nature and the evident harmony of its diverse forces, exert itself inde-

pendently and regardlessly of its fellow activities. In point of fact, some of these, as its own acquired or inherited habits, constitute with the will itself an integral principle of voluntary action. Others, as the direction and knowledge afforded by the reason, the influence exerted by passion over our volitions and the part which violence may play in the determination of the will, are more or less extrinsic conditions under which the will must always act. Hence, that the free will of man may act normally, or that its actions may emanate from it in such a manner as to be truly moral or human acts, that is, voluntary and free acts; they must proceed from the will unhampered by its habits, properly enlightened by reason, free from the control of passion, and uncoerced by external violence. Experience will here, of course, suggest to everybody that it is not every relation of the will to these conditions which renders a man's action involuntary or takes away its freedom. To define, therefore, those relations which, under these conditions, do eliminate the moral or human character of

an act, we subjoin this third doctrinal and fundamental proposition in which are summed up the physical conditions of the human act.

Although the influx of no habit can invalidate the voluntary character or freedom of the will's action; yet violence, if it is extreme, will render the imperate acts of the will involuntary; whereas fear, if it is so absolute, or passion, if it is so unbridled as to destroy the use of reason, or ignorance, if it is simply invincible, will render even the elicited acts of the will involuntary or at least destroy their freedom.

A habit is an abiding inclination superadded to the native faculty inclining it to reproduce the same specific acts. All habits, therefore, of the will leave the voluntary and free exercise of its activity intact. For this inclination of the will to act is, if we ignore, as we do in Ethics, infused habits, such as supernatural faith, hope, and charity, is both in its origin and its exercise, dependent entirely upon the will. It is, in the first place, acquired to the will by a repetition, on the part of the will, of

single acts, and, secondly, its use is nothing but the determination of the will to freely repeat another of those acts by which the habit was acquired. If, then, habit exerts any influence upon the act—and it certainly does—it is to make it more voluntary by intensifying its two constituent elements, that is, by presenting the good intended more vividly and by increasing the propensity of the will towards it. But it never destroys the freedom of volition, inasmuch as the act is always free, if not directly or in itself, at least indirectly or in its cause, the freely acquired habit of such acts.

Violence, on the contrary, will render an act involuntary and take away its freedom. But it effects this with an imperate act only, as it is called, not with one elicited by the will itself. The distinction is this, that an imperate act is one not exerted by the will, but physically exerted by some one of the other faculties, and only commanded by the will; whereas, an elicited act of the will is one that is not only ordered by the will, but, furthermore, physically

executed by the will itself. As now, an imperate act is voluntary and free only in as far as it is, when exerted, under the orders and at the free dictate of the will, it follows that, if it is exerted at the dictate of a violence so extreme as to place it entirely beyond any control of the will, it is, thereby, in no sense an act of the will, but rather an act reducible to the violent or involuntary principle which necessitated its exertion. For an act cannot proceed at the same time from contradictory sources. If, then, it emanates from an involuntary source—violence—it cannot at the same time issue from a cause which freely willed it. Violence can, of course, affect only the imperate acts of the will, that is, the acts of the other faculties under the command of the will, but not the *elicited* acts or those acts of the will which are not only commanded but also exerted by the will. For an act cannot proceed from a principle exerting violence upon the will, without assuming an absurdity, viz., that an act can be exerted by two contradictory principles at the same time. On such

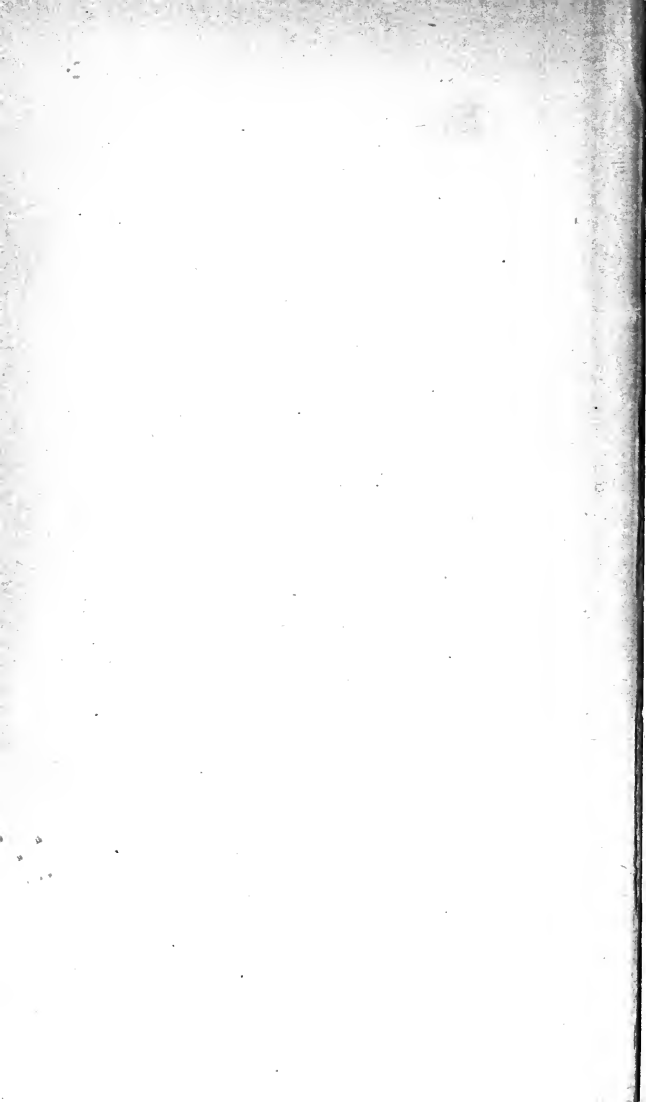
an assumption, it would proceed from the will, because it is the elicited act of the will, and it would be simultaneously elicited by the violent principle, because it is produced by violence. This is a contradiction in terms, and impossible inasmuch as the same act would be and would not be at the same time elicited by the will, and it would be and would not be elicited by the principle of violence. Violence can, it is true, destroy the voluntary agent, and, therefore, the will, which is but one of his faculties. But it cannot make an act which is elicited by the will not be elicited by the will. This is the contradiction in terms. On the other hand, however, a fear so mortal, or a passion so absorbing that they physically unsettle the reason; or, again, an ignorance so invincible that any knowledge of the aim or object of the will's action is hopeless, render even the elicited act of the will, in so far as it is exerted through fear, passion or ignorance, an involuntary act. Such actions are, as we say, a man's actions, because they are performed by a human being, but they are not human

acts, since they do not proceed from man as a human being.

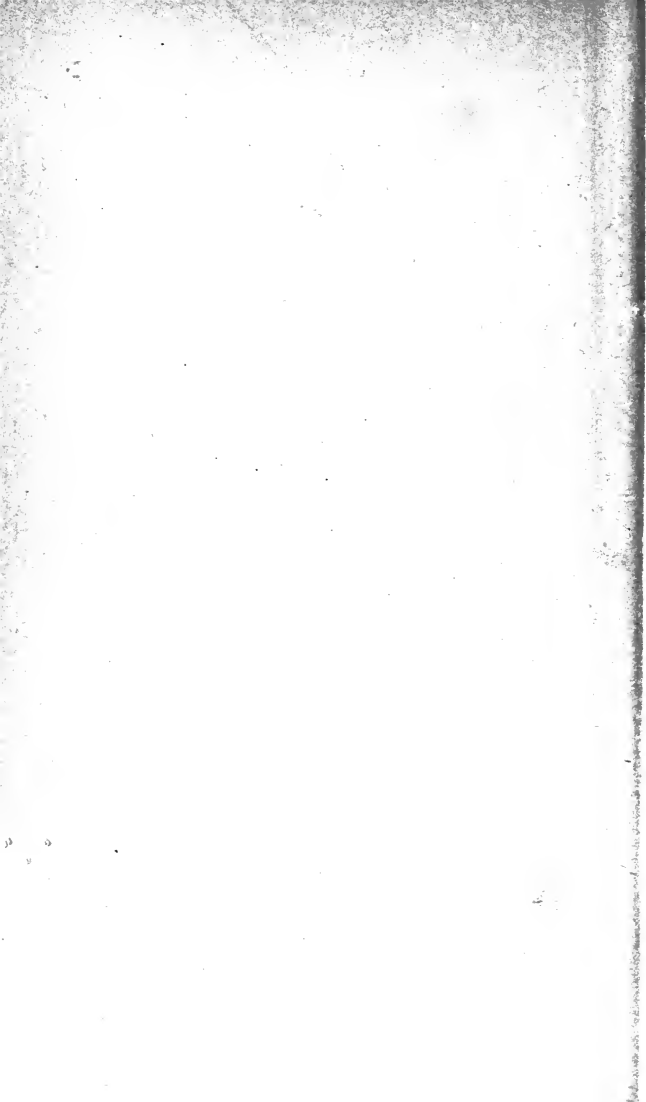
To emanate from man as a human being, an action must not only be elicited by the will but man must know what he is about when he is exerting this act of his will. If, now, fear or passion destroy his capacity to know what he is doing, or invincible ignorance renders it impossible for him to act with such knowledge, his action does not possess the two elements which render it human, moral or strictly voluntary, much less free. For a voluntary or human act is the tendency of the will towards an object or end in the measure that it is known to him who wills it. For the will in man is a rational appetite, that is, under the guidance or control of reason and knowledge. If, then, reason is destroyed and knowledge hopeless, the action proceeding from the will is still indeed the appetite or act of man's will, but it is not rational, that is, it does not proceed from the will in its normal condition of a human will. In consequence, while the act is the act of *a man*, it is not a *human* act. From all

of which we can conclude that to be a normal principle of human activity, the will, be its habits what they may, must be free from at least extreme violence, independent of a fear or passion which physically unsettles the reason, and not the victim of an invincible ignorance, touching the end or object of its activity. Acting under these conditions, the will of man exercises moral or human acts. It is these human acts; voluntary, free acts, exempt from absolute violence, not resulting from an invincible ignorance, nor prompted by a fear or passion which dethrones reason; it is these acts, I say, considered in relation to man's ultimate perfection or final end, which constitute the subject-matter of Ethics. Those human acts which promote this ultimate perfection, or—which is the same thing—place man in a condition here in this life to secure the possession of the object of this happiness, his final end, or God, the Infinite Good, in the next life, we term morally good acts. Those, on the contrary, which jeopardize this final end and fail to promote man's true happiness in this life

and in the next, we call morally bad acts. The problem now before us, and upon which we shall discourse in the following lecture is this: How shall we know which human acts promote man's final end, which human acts fail to do so; or, formulating the same question differently, by what principle shall we determine when an act is morally good, when it is morally bad? We shall know this, we answer, from the Ethical Standard or Criterion of Good and Bad in human action. The discussion of this standard will constitute the subject of our next lecture.



LECTURE SECOND



THE ETHICAL STANDARD

OR

The Criterion of Good and Bad in Human Actions



THAT there are morally good actions and morally bad actions, calls for no comment, needs no proof. Moreover, morally good acts are for man surely operative of his last end, morally evil acts are as certainly an obstacle to its ultimate acquisition. Now, since man must, to quiet his inborn appetite for perfect happiness, attain to its object, his final end, the knowledge and love of God; it is to his interest to perform morally good actions and to avoid morally evil acts. It is vitally imperative, then, that he know a morally good act from a morally evil action. This knowledge necessarily calls for a standard, or criterion of the morality of human actions; calls for a rule by which man may, as it were instinctively, recognize when an

action is good and therefore meritorious of his last end, when it is evil and accordingly entails the loss of the Infinite Good.

That there is a criterion or standard of this kind is, again, universally admitted. The controversies all turn upon its nature, upon what it is. And here there are two broad schools of opinion; the Positivist and the Naturalist schools of morality. The distinction between them lies in the source from which they derive the moral criterion.

Positivists in morality, gather their moral standard from a source extrinsic to the human act. Those whom I term Naturalists in morality locate it in a source intrinsic to the moral act, or in some element of its nature. I shall first say a word or two upon the Criterion of Morality set up by the Positivists before passing on to the theories advocated by the Naturalistic moralists. These constitute the more numerous school.

Positivists set out with impugning the ontologic or objective existence of a moral standard. With them, therefore, it is a ground principle that, ante-

cedently to and independently of any positive law, there is and can be no natural difference or intrinsic unlikeness between a good and a bad human action. For the Positivist, accordingly, morality is not essential to a human act, but accidental only and superadded to it by a principle, a law, a tradition, a persuasion, which has determined that such an act shall be reputed good and such another act shall be considered evil.

Two theories prevail among Positivists themselves upon the character of this source from which the morality of an act is derived. One class teaches that this source is the will of man; another class refers all morality to the ²will of God. Of those who contend that all morality is determined by the will of man, some again maintain that human actions derive their moral character from civil laws, others are of the conviction that public opinion and popular traditions account originally for the ethical distinction obtaining between good and bad actions. For, of a fact, we find two possible expressions of the human will as a basis or criterion of

morality. The one is a designed and, so to say it, studied expression, made in the shape of law, or of any equivalent utterance of public authority; the other undesigned and evolved rather through many coöperating psychologic and social causes until, eventually, certain estimates and measures of action began to obtain among men which, later, were sanctioned and canonized by public opinion, and finally fixed by the prejudices of education and by the unchallenged traditions of peoples.

Thos. Hobbes (1588–1679), J. J. Rousseau (1712–1778), and the Hegelian philosophers of our day trace the ethical source of human action to the former or the designed expression of the human will, that is, to civil law or an equivalent utterance of supreme civil authority. For Hobbes, the author of regal absolutism, this supreme authority is the monarch; for Rousseau, the apostle of democratic absolutism, it is the people; for the Hegelians, the evangelists of Cæsarism, it is the State.

On the other hand, Montaigne (1533–1592), the sceptic; Von Hartmann

(*b.*1842), the pessimist ; August Comte (1798–1857), the eclectic ; John Stuart Mill (1806–1873), the utilitarian ; Herbert Spencer (*b.*1820), and Alexander Bain (*b.*1818), the altruists, more or less immediately reduce the moral standard to some undesigned expression of the social will modified by education, psychology environment, ethnic and anthropologic experience, social evolution or civil progress.

The other class of Positivists constitute the Divine Will the source or criterion of all morality, insomuch that one action is morally good and another morally bad, because God has willed that one be reputed good, the other evil. Samuel Pufendorf (1632–1694) is the classical representative of this theory of the Moral Standard. He bases his conclusion upon the attitude which morality necessarily bears to law. Moral fitness or turpitude is, for Pufendorf, the harmony or the discord which exists between the human act and law, and, inasmuch as law is an ordination by the ruler, moral rectitude or turpitude is not intelligible antecedently to the

ordination or will of God, the Supreme Ruler and Lawgiver for the human Conscience.

Now, our limits forbid us to enter into a detailed refutation of the Positivist position. Moreover, it is true, and we concede it to the Positivists, that the morality of many human actions is extrinsic to the nature of these actions themselves; that is, we concede that many actions are good *simply* because they are commanded, that many are evil *simply* because they are forbidden by a human or divine law. But the Positivist position, which is absolute, viz.: that either the will of man or that of God is the ultimate universal criterion of *all* morality in human action, is false and cannot be conceded. For, before finding any further objection to it, a moment's consideration will reveal the fact that this criterion is not, itself, final. In virtue of this criterion—the will of God or that of the supreme civil authority—is not an act good or bad either by the decree of this will or by conformity with it? If so, does this not previously suppose that to accept this

decree, or to conform to this will, is good; that not to accept, or not to conform to it is, on the contrary, bad? Now, by what criterion do we know that to accept God's decree, or to conform to the will of God or of man is good, and that not to accept His decree and not to conform to God's will or man's will, is bad? Not surely by the criterion of the law itself, of the divine decree or of conformity with the divine or human will. For it is precisely this law itself, as a criterion, which is in court: whether it is good or bad to accept it, or to conform to it as a criterion. Hence, the law itself cannot settle this point.

Neither can we appeal to another, or an antecedent law. For, first of all, there is no will antecedent to the will of God, and, within the sphere of human authority, there is no human will above that of the supreme authority. But, even admitting this recourse to another, and, on the hypothesis, a higher law, human or divine, declaring that it is good to accept or conform to the will of man or of God as a criterion of morality, and evil not to do so; the insoluble difficulty

is only evaded, not at all removed. For then—we shall naturally ask—why is it good to accept and to conform to this higher law, to which recourse is had as a criterion, and evil to do the contrary? And here, you observe, the original objection remains, viz.: that Positivism fails to account for the morality of the act or acts upon which the very existence of the human or divine will, as the moral criterion, depends.

It will not do, as a last resource, to claim that it stands to reason that it is good to accept or to conform to the will of man or of God as the criterion of morality. In that case, first of all, reason, and not the will or law of God or man, would be the final criterion. But, furthermore, it does not at all stand to reason that it is good to accept or conform even to the will of God as a universal and final criterion of morality and evil not to accept or conform to it. Where, of course, a human act which in itself is neither good nor bad, but indifferent, is forbidden or enjoined by the law of God, its morality is indeed then determined only by the will of the Di-

vine Legislator. But there are actions so essentially good, or so essentially evil that even the will of God is powerless to change their moral character. Thus blasphemy, idolatry, murder, adultery, theft, and other crimes are actions so essentially evil that even, on the absurdest of suppositions, that He wished it, God could not make them morally good actions.

Yet, if, as the Positivist teaches, the will of God is the only, the universal, the final rule and law of good and bad in human actions, then crimes would, if God so will it, be essentially good, which is something not only false, but fairly incomprehensible—false, because an act, which is essentially evil, cannot change its nature; incomprehensible, because it is impossible to see how God, by wishing it, can make a deordination not be a deordination, that is, make an act good and not good, bad and not bad, at the same time. It does not, therefore, stand to reason that the will, even of God, is the final and universal criterion of morality. Much less does it stand to reason that the will of man, however expressed, is

such a criterion. For this assumes that no human law can be unjust or evil, whereas, the historical fact that laws have been opposed by the people and repealed by rulers, precisely because they were unjust, shows this to be utterly false.

Then, too, if the civil law be the moral criterion and it ordain that we blaspheme, steal, cultivate lewdness, intemperance, lying, murder; these actions would then be necessarily good acts, and their contraries would be morally evil acts, all of which is unspeakably absurd, and beneath refutation. Finally, human laws change; the morality of a vast multitude of human actions is immutable. Again, the law regulating many actions is diverse for different places, persons, circumstances, while the moral character of these same actions is identical, notwithstanding this manifold diversity.

But we shall desist from a further criticism of this very unsatisfactory theory. Much more yet might be urged against the Positivist criterion, as proposed in detail by Hobbes, Rousseau,

and Pufendorf, but enough, we think, has been proved against it to establish the conclusion that it has no tenable grounds upon which to be considered a final and universal criterion of morality.

With the rejection of Positivism in morality it follows that, there are human actions whose morality is intrinsic and essential. The universal and final criterion of morality is not, therefore, some principle external to the act, but has necessarily a natural basis in the act itself. This is the position of those whom we have termed Naturalists in morality, or of those who connect the universal and final criterion of good and bad in human action with the nature itself of the act. As a school opposed to the Positivist, these moralists are all agreed upon a natural basis of morality. The controversies among them are all over the nature of this basis. Yet, even in their controversies they agreed upon the starting point, that viz., the ethical value of a human act is somehow wound up with its relation to man's *Summum Bonum*, or his greatest good.

The divergence takes place at their respective determination of this greatest good; and it gives rise to two broad theories, called, respectively, the Eudæmonistic and the Deontologic theory of morals. I shall speak first of the Eudæmonists.

The Eudæmonistic moralists place man's greatest good in some form of temporal well-being or happiness. Their standard of morality is, accordingly, the utility of an action for the promotion of this well-being or happiness. For this reason, this school is often termed the Utilitarian School of Morals or simply Utilitarianism. There are two forms of it; that of individual and that of social Utilitarianism.

Individual Utilitarianism is identical, in the first place, with Greek Hedonism, represented among the ancients by Aristippus of Cyrene, the sophist, B. C. 435–356, and the founder of the Cyrenaic school. In the eighteenth century this form of Utilitarianism was revived by the Encyclopædists, De la Mettrie (1709–1751), Helvetius (1715–1771), Diderot (1713–1784), and De Volney

(1757-1820); and in the nineteenth, it has been advocated by the Sensists, Hartley (1704-1757), Priestley (1733-1804), Hume (1711-1776), and the German materialists, Vogt (b.1817), Moleschott (1822-1893), and Büchner (b.1824). Individual Utilitarianism is, in the next place, involved in the Egoism of the Epicureans. Their founder was Epicurus, the Greek, and the most graceful exponent of their philosophy, the Latin poet, Lucretius. In its purity, Epicurism has had few modern adherents, although in its day it may well be said to have rivaled Stoicism as the ethical code of the Greeks and Romans. The ground principle of both Hedonism and Epicurism is that the greatest good of man is pleasure: bodily pleasure or the pleasure of motion, according to the Hedonists; mental and bodily pleasure or the pleasure of rest and motion, according to the Epicureans. So that the criterion of good and bad in any human action is, from the standpoint of individual Utilitarianism, its utility or aptitude to promote pleasure or, at least, to obviate pain.

Social Utilitarianism is a modern and also a more comprehensive form of Eudæmonism. It is mainly of English origin, and, in its earliest stage, appears as the empirical Utilitarianism of Richard Cumberland (1632–1718), or rather of Anthony Cooper, Earl of Shaftesbury (1671–1713), its representative exponent. Shaftesbury makes the practice of social benevolence man's greatest good. For, on observation, he finds in man two natural propensities: the egoistic, which he terms "the ideopathic" tendency, whose object is man's private good; and "the sympathetic" tendency, the object of which is the common good. The subordination of the egoistic to the sympathetic propensities promotes man's greatest good, which is social benevolence. Hence, actions which aim at the common welfare are good, those which subserve only private purposes, are morally evil. Shaftesbury was followed by Jeremy Bentham (1748–1832), the founder of Positivist Utilitarianism, often termed simply Utilitarianism from its being the representative expression of this theory,

and Positivist, because of its methods of construction. John Stuart Mill is, probably, its ablest and most copious exponent. These moralists claim to have established this fact: "that all men seek pleasure and shun pain." Hence, they conclude, first, that every pleasure is a good and to be sought, that every pain is an evil and to be avoided. Wherefore man's destiny and greatest good is the greatest possible sum of pleasure for himself and others. In consequence, they conclude that, in as far as an action promotes or fails to promote the maximization of pleasure, or, which is tantamount, the minimization of pain, it is morally good or morally bad. From these principles it easily appears that their doctrine is not so very different from the latest form of Utilitarianism, that viz., of evolutionary Utilitarianism or Altruism founded, in a way, and popularized by the teachings of Herbert Spencer.

Altruism ignores the subjective or individual relation of pleasure emphasized by Bentham and Mill, laying all its stress upon the social nature of the

greatest good of man. "The greatest good of the greatest number" is, for the Altruist, man's greatest good and the goal of all his activity. The moral goodness, accordingly, or evil of a human action lies in its positive or negative causal attitude towards the greatest good of the greatest number. The estimate, however, or the judgment to be formed of this attitude is not founded in individual experience. It is to be gathered, upon the principles of Evolution, from the laws of life and the conditions of existence. Hence, in a system of elaborate synthetic philosophy, Spencer discusses at great length the laws of life and those conditions of psychologic and social existence, from which, as from a prearranged premise, he gathers his codex of secularized Ethics, or Ethics emancipated from the notion of a divine legislation.

Even from this brief exposition of the position of individual and social Utilitarianism, it becomes clear that between the Christian moralist and the Eudæmonist there can be no controversy upon the ethical standard. They differ

upon the very first principle underlying its determination—man's greatest good. For the Utilitarian it is either pleasure, or social benevolence, or the maximum of happiness and minimum of pain, or the greatest good of the greatest number, that is, in one phrase, it is a finite good. Now, we have, at some length, established the principle, that man's greatest good is not a finite, but an Infinite Good—the knowledge and love of God.

The ground principle, therefore, of Utilitarianism is false, and, accordingly, utility, the criterion based upon it, cannot be even correct, much less, universal and final. But apart even from the false principle from which it is gathered, the utility of an action cannot constitute the criterion of its morality. The morality of countless actions is intrinsic, and essential, as we established against Positivism. The criterion, accordingly, of these actions must be coördinate, and must, therefore, be a principle which is constant and not variable; necessary, not contingent; absolute, not relative. Now, utility is,

and can be, no such principle. Utility takes after the good which the useful action promotes. But the good, being finite, is a contingent, not a necessary good; it is a variable, not a constant good; it is manifoldly relative and not an absolute good.

Any principle, therefore, or criterion founded upon utility, cannot be but contingent, variable, relative, and, therefore, cannot but always fail to be the universal and final standard of morality, which, in all actions not dependent for their goodness or evil from positive human or divine law, is a constant, a necessary, and an absolute feature of the human act. There are other equally cogent arguments subversive of Utilitarianism in detail, which we might urge; but when a theory lacks a foundation, and the principle itself, which it champions, involves the impossible, it is unnecessary, we take it, to discuss that theory in detail. It follows from the rejection of Positivism that the universal and final criterion of morality is intrinsic to the nature itself of the moral act. From the

rejection of Utilitarianism it follows that this intrinsic criterion must be constant, necessary, absolute.

This is the position of the third broad school of moralists, the Deontologic or Necessitarian School. There are many classes in this school. They all, however, to begin with, coincide upon the first principle of the school, that, viz.: The criterion of morality must be a fixed, absolute and necessary principle. The controversies turn upon the nature of the principle. They diverge, moreover, upon the nature of this principle, into three distinct views or theories, that, viz., of Moral Sensism; that of Moral Rationalism or Purism; and that of Moral Realism.

For the Sensist, the criterion of morality is a faculty. Thos. Reid (1710–1796), the founder of the Scotch School of Philosophy, appears to have inaugurated this theory. The occasion was the offsetting of Hume's Scepticism. Hume had impugned the existence, and impeached the hitherto accredited criteria of certitude, viz.:—authority, the testimony of the senses,

Conscience and the objective value of our ideas. To place certitude, therefore, upon an unassailable basis, Reid postulated the existence in us of the instinct of necessary truths in the physical, metaphysical and moral order. This instinct he denominated Common Sense. In virtue of this sense we detect necessary truths by a natural impulse and independently of authority, of the senses, of Conscience, and of intellectual analysis. In the moral order, then, we know, according to Reid, a good action from an evil one, by our instinct of moral truth. And as our faculties are constant quantities, and invariable and absolute factors, he claims to have in this moral instinct, a constant, necessary and absolute standard of what is good and bad in human action. Hutcheson (1694-1746), Reid's contemporary and fellow-professor at Glasgow, elaborated the Reidean principle of the Common Sense of necessary truths in the moral order into what he terms the Moral Sense. The office of this sense is pretty much the same as that of the Conscience, and its relation to the moral-

ity of an action pretty nearly the same. Accordingly, the act which this moral sense approves is, upon Hutcheson's theory, morally good; that, on the contrary, which it disapproves, is morally bad.

The German pessimist, Arthur Schopenhauer, and the founder of Idealistic Realism, Johann F. Herbart, are of the Sensist School of Moralists. Schopenhauer's philosophy is, in its constructive features, a Pantheism in which all things and men are manifestations of an absolute, impersonal will-power. This absolute, blind will is "will-to-live." This will-to-live is constantly objectivating itself in the manifold struggles of individual men for "will-existence." Now, will-existence is, for Schopenhauer, the consummation of absolute gratification. But this absolute gratification is impossible without the annihilation in man of his "will-to-live," or which is identical, "his struggle for gratification." This annihilation, however, can never be realized, according to Schopenhauer. Happiness, then, in his philosophy, is im-

possible, and misery is the native lot of all men. This is Pessimism. There is but one way out of this misery, viz.: the negation of the will-to-live. Acts, therefore, which promote this negation are good, all others are evil. The first stage in this negation of the "will-to-live" is the feeling of pity and compassion for others. It is identity with the suffering, *i. e.*, with the struggle or "will-to-live" of others, and forgetfulness, tantamount with Schopenhauer to the annihilation of one's own "will-to-live." This sense, then, of pity and compassion is the criterion of morality. Actions, accordingly, which are prompted by it, are good; actions not prompted by this pity and compassion are morally evil.

Herbart, on the contrary, makes that action morally good which pleases, that one morally evil which displeases. Morality, with him, is part of *Æsthetics*, which, itself, is grounded upon immediate involuntary judgments. By these judgments, the predicate, "pleasing" or "displeasing," is involuntarily applied to terms of perception. Hence,

where the terms perceived are relations of the will—which are always expressed by acts of the will—those relations or acts are termed morally good which please; those, on the other hand, morally evil which we involuntarily judge to be displeasing. Our æsthetic faculty applied to the relations of the will, or our Moral Taste, is, from the standpoint of Johann F. Herbart, the correct standard of the morality of human actions.

It is evident, we imagine, from this brief development only, that all these theories culminate in the same error—the doctrine of a sense-criterion of morality. Now, this is an absurdity. If sense—it is immaterial how it is denominated or through what faculty or organ it operates—is the criterion-faculty of morality, it stands to reason that this faculty must *know* the moral character of our actions. The fact, however, is that it not only does not apprehend this feature, but that it is simply impossible for sense to perceive the morality of human actions. And the reason is quite a simple one, inasmuch as sense can-

not perceive the abstract, whereas morality, being the relation between the human act and man's ultimate end, is altogether an abstract property of the human act.

Moreover, morality is a universal feature of the human act, and not circumscribed within the limits of this or that concrete act. The senses, on the other hand, reach only the particular and the concrete object. Then, again, the application of the moral standard in the discrimination of a good from an evil action, involves judgment and even reasoning. Now the senses, however aptly they may seem to *ape* judgments and reasoning, do not certainly exercise these acts in the human and undisputed sense. Upon these and similar grounds alone we are forced simply to refuse to discuss the claims of Sensism to be able to furnish a legitimate standard of morality. Sense cannot furnish what belongs to the intellectual order.

But without entering into too many details, the theories which advocate this criterion are philosophically unsound, if

not distinctly absurd. Reid's blind moral instinct and Hutcheson's blind moral sense are an implied Scepticism, and are really no faculties at all. To claim, with these philosophers, that our knowledge rests upon first principles which we assent to upon a blind, natural impulse without evidence or testimony, is an implied denial of all certitude, or is Scepticism. For it is impossible to see how a cognoscitive faculty—one, therefore, made to know its object by seeing it—can be blind, can be a merely natural impulse and still a genuine cognoscitive, that is representative, faculty.

Schopenhauer's theory, on the other hand, is, as I observed above, constructed upon Pantheism, and, therefore, not simply upon error, but, furthermore, upon a rank absurdity. For Pantheism is not simply false in its principle of "the world is God," but in its constructive evolution it has been, time and time again, exposed as a medley of incongruities and contradictions. Moreover, when Schopenhauer makes the individual will identical with the Absolute Will, whose only action is a necessary

evolution of itself, he thereby eliminates the freedom of the human will, which is the very root and ground-postulate of all and any intelligible moral action. If a moral action means anything, it means an action which is physically a free action. Discussion, therefore, with Schopenhauer, upon a moral standard, can result in no coherent meaning. He is a pantheist, and, therefore, a fatalist. Moral action, on the contrary, negates the necessary evolution and fixed character of all actions. Schopenhauer is, furthermore, a pessimist. Morality, on the other hand, is the attitude of a human action toward man's final, supreme happiness, and, accordingly, rests upon the unchallenged truth of man's destiny for completed happiness. Schopenhauer eliminates the personal will; for even his Absolute Will is impersonal. Finally, he removes the freedom of every individual will; for his impersonal Absolute Will evolves itself through a necessity identical with its nature. Now, it is impossible to talk of morality with a man who does not admit the existence of any personal

wills, and who denies—how could he do otherwise?—the freedom of the impersonal, the only will which he does admit.

Herbart falsely assumes that all practical philosophy is based upon æsthetic judgments, and that Ethics is a department of *Æsthetics*. Experience, I think, will, as a fundamental criticism of this theory, convince all that, often, if not ordinarily, our tastes are not at all consulted, either by ourselves or by others, in the conduct of some of the most recurring phases of life. But what is most strangely false and positively wicked in this theory is the criterion itself, “whatever pleases us is good.” This is, to say it mildly, the very gospel of license. First of all, it is, we submit, a false theory, because it is subjective and accordingly different for different individuals, and in the same individual it will vary with his vicissitudes of opinions, passion and organic disposition. Besides, it is self-contradictory. An action may, for instance, be very bad because it is displeasing to the senses, and yet very good because it is pleas-

ing, that is, conformable to reason and intelligence. Such an action would, then, be good and bad at the same time, which is very absurd, to say the least. But this criterion is, we said further, the very franchise of moral evil. For it is not merely a license to the passions, but an authorization of their right to pursue and indulge in that which pleases them. And this, if principles have any value, is simply the emancipation of all powers of evil inherent in human passion. For, inasmuch as man is constituted as he is now, a law authorizing the indulgence of every passion—and the principle which makes everything good that pleases these corrupt propensities in man is such a law—is simply an emancipation of every power for evil inherent in passionate human nature. But let us turn from Moral Sensism to Moral Rationalism.

The leading features of Moral Rationalism, which is the second of the three large classes constituting the Deontologic or Necessitarian school of moralists, are represented by the Platonic, Stoic, Kantian and Hegelian theories. The

ancient theories of Plato and the Stoics are now obsolete, and we have no spare time to discuss them.

Hegel's theory of the Moral Standard is wound up with his doctrine of Right; and we shall, therefore, postpone our criticism of it to our lecture upon the Doctrine of Right. We shall here, then, briefly criticise the Kantian theory only of the Moral Standard.

Kant's Moral Standard he calls the Categorical Imperative. To establish it, he builds upon these foundations. Rational nature is an ultimate end in itself. The ultimate end, on the other hand, is the objective principle, that is, the aim without itself, which moves, or is a motive for, the will. Hence, man has within himself his own end, and the objective principle of his will. But the objective principle of the will is, we know, the absolute moral rule, the universal, practical law or dictate governing human action. Accordingly, man's rational nature is the universal, practical law and moral rule. However, law is not mere nature in man, it is his Reason. Moreover, it is not the

faculty of Reason in him, but the dictate of Reason ; and not the mixed or concrete dictate, but the pure dictate of Reason. Hence, the law of the human will is, for Kant, the pure dictate of Reason. It is called the pure dictate because it is not applied to or wound up with any subject-matter, or dependent upon any motive apart from this, that it is the dictate of Reason. It may, therefore, be formulated thus: *Act reasonably because to act reasonably is reasonable.* This is the *Imperative* of the will, that is, the obligatory principle which governs its conduct. It is a *Categoric Imperative*, that is, an absolute, unconditional, obligatory principle, first, because it takes no cognizance of man's sensuality, or the pathological affections of his lower organism, and, secondly, because it is promulgated of its own very nature, being the formal expression of man's rational being. From this premise it is easy to gather Kant's objective and subjective criterion of morality. It is, evidently, conformity with the *Categoric Imperative* or the dictate of pure Reason. Hence, in the Kantian Code

of Ethics, an act is morally good, first, when the will chooses that which the law ordains ; the law, then, is the objective criterion ; secondly, when it so chooses purely out of reverence for the law in the abstract, independently of the subject-matter, the circumstances, the conditions, either of the will or the law. If it fail in either choice, it is a morally evil action.

The exception we at once take to this theory is the autonomy of Reason which it unwarrantably sets up. To begin with, man is not, as Kant would have it, an end in himself. Nothing, in fact, created can be an end in itself. The thing would be a contradiction in terms. For, to be an end in itself, a being must be a beginning in itself, or, rather, must never not have been. Now, no creature—all creatures being contingent—is a beginning in itself, or self-existent. The whole Kantian theory, therefore, is without a foundation. Moreover, the categorical feature of this Imperative entails a palpably absurd sequence. It limits morally good acts to those only which are performed out of "pure reverence"

for the law. This evidently confounds the perfection of a moral act with the simple reality of such an act, and considers no act a morally good act, which is not at the same time a morally perfect act. Here we have a covert Pessimism. If this "blue" law is to be our Moral Standard, we must despair of morally good conduct. For while our acts may, as a rule, be moral, they are, except under very favorable circumstances, not by any means always perfect. This criterion is, furthermore, practically subjective, and, therefore, as changeable as the individual judgment of what is the pure dictate of individual Reason, and of what is absolute reverence for the law. It is, finally, very difficult to understand how a theory which founds the final criterion of morality in a subjective principle, does not, in consequence, remove all possibility of certainty in the determination of good and evil in human conduct, and does not, therefore, precipitate a practical and universal Scepticism touching the existence of human obligation. Its rejection, therefore, brings us to Moral Realism.

Moral Realism, so-called because the standard which it sets up is founded in the reality of things, is the third system embraced under the Deontologic or Necessitarian School of Ethics. It offers us the true standard of morality. Its principles are not Rationalistic but Christian, not Liberalistic but Catholic. To explain, let us observe, first of all, that Catholic moralists distinguish two criteria or two ethical standards, the one subjective, the other, objective. The subjective criterion is Conscience. It is final for every individual, and for particular acts; but it is subject to accidental error. We are not concerned with it in this lecture. We are dealing here with the objective criterion only, or with that standard which is independent of the individual, and his faculties and acts; and is founded in the internal or essential relations of the moral act itself with man's chief good. It is two-fold: the generic and the specific standard. The objective *generic* standard tells us why *in general* a moral act is good or bad; the objective *specific* criterion gives us

to know further, whether it is this or that particular kind of moral goodness or moral evil. These criteria are not, as would at first appear, independent of one another. They are related and supplementary, as genus and species. But, for the sake of order and perspicuity, we shall have to set forth and establish one after the other.

From the principle we established in the first lecture and which rests upon the fact and laws of creation—the principle, namely, that the final goal of human activities is Good, the Infinite Good—it follows, without further urging, that the moral goodness or evil of a human act lies *somehow* in its final proportion with the attainment of God as the Infinite Good or ultimate end of man. The difficulty or problem, if indeed there be, is how to conceive and express this proportion in scientific detail, and as a practical criterion. This difficulty is, in part at least removed by, first of all, putting the doctrine in the following thesis; secondly, by establishing and, at the same time, illustrating its truth by

two or three demonstrative arguments, wherefore :

The ultimate, objective, generic norm or criterion of morality is the Divine Goodness or the Divine Nature conceived by us as the Absolute Sanctity or Absolute Principle of every order of created tendencies or actions: the proximate norm is the rational nature of man completely considered, that is, absolutely and relatively considered.

The first part of this proposition should offer no difficulty, after our lecture upon the final end of human action. From the doctrine of that lecture it follows that God Himself is somehow the Ultimate Norm of good and bad in human action. And wherefore? Because He is the final end; and it is, we know, the end which, in every order of action, qualifies and specifies an action.

On the other hand, however, the end specifies and qualifies inasmuch only, and in so far only, as it is the good intended, and pursued by said action. For the motive-value of the end is the goodness which it offers to the pursuit of the will. God Himself, therefore,

is, if we view things from the standpoint of the human action itself, the ultimate rule and measure of good and bad in our actions, inasmuch as He is the Infinite Goodness, which these actions have or should have in view. But we reach the same conclusion from the standpoint of the Divine Goodness Itself. The Divine Goodness or Sanctity is, we know, the eternal regulative principle of the Divine Will. So much so, that the rectitude of the Divine Will is its identity with the Divine Essence conceived as the absolute order or regulating principle of all actions in God and out of God in creation.

Naturally therefore, it is in consequence the regulating source of all actions within God and without God dependent upon the Divine Will. Now, all created action, whether necessary or free, is dependent for its existence upon the Divine Will; and finds accordingly its last rule and measure in the Divine Goodness which is the last rule and measure of the Divine Will Itself.

Finally, the nature itself of the ultimate objective criterion of moral-

ity evinces the same conclusion. The ultimate objective criterion of morality must be : (1) the rule ; (2) subordinate to no other rule ; (3) eminently objective, that is, existing outside of the moral agent, and independent of the faculties and acts of this moral agent ; (4) beyond all other rules, essential or founded in the nature of things ; (5) of itself immutable and universal.

The Divine Goodness or Excellence alone of God is all this. It is the *rule* ; because it is the absolute end. It is *subordinate* to no other rule ; for it is so the last end that beyond it there is no other. It is eminently *objective* ; because, again, the last end is as independent of the faculties and acts of man, whose aim it is, as God Himself is independent of man. It is *founded* beyond all others in the *essences* of things ; for, inasmuch as it is the final end, and all other ends are therefore by their nature subordinate to it, it is the essential term or end of all things. It is, finally, of itself *immutable* and *universal* ; because it

is, as their end, wound up with the immutable nature and ubiquitous distribution of things.

Viewed, then, from the standpoint of the human act, or from that of the Divine Goodness, or from the nature of the ultimate criterion itself, the Divine Goodness is the final criterion of rectitude in moral acts. So that human acts which are so proportioned to this end that they finally conduce to its attainment, that is, to the eternal knowledge and fruition of the Divine Excellence, are morally good acts; those, on the contrary, which finally forfeit this same end or this knowledge and fruition, are morally evil human actions.

But it is obvious that this final and absolute norm is not immediately known to us; whereas the criterion of morality, if we would have an efficient one, must be a self-evident principle always and everywhere at hand to our minds, without the necessity, as each act is to be posited, of reasoning to the existence and judgment of our Moral Standard through the medium of a nearer and

more evident truth or principle. This criterion, we say, in the second part of the thesis, is the rational nature of man completely considered ; or, putting the same principle more briefly and familiarly, it is the rationality or irrationality of the human act under consideration.

The reason of this is simple, yet entirely convincing. We judge of the nature of an act from two sources : Firstly, but remotely, from the end it has in view ; secondly, but proximately, from the nature of the principle or spring from which this act starts, and naturally so. For the nature of the being which posits the act is, if the creature is gifted with knowledge, the essentially directive principle of this act guiding it towards the end appointed for it by the Creator. Now, there is no difficulty in seeing that the rational nature of man is the essentially directive principle of his moral acts. Therefore, an act is morally good or morally evil, in as far as it follows or does not follow the guidance of this directive moral principle, that is, in as far as it is proximately at least conformable or not conformable to the

rational nature in man ; that is, again, in as far as it is rational or irrational ; that is, finally, in as far as it is conformable to reason or not conformable to reason, not to reason as Kant understood it—the pure dictate or abstractly formulated content of a rational motive to act—but to the rational nature itself in man. Nor do we wish to imply by this discrimination that reason, in the sense of a dead, uninformed, unenergizing nature is, *in itself*, and independently of any relations it may involve, the proximate, generic criterion of morality. It must, we say, *be rational nature completely considered*.

This distinction insists upon the fact that, it is rational nature as the directive principle of human acts, which constitutes the criterion of morality. Now, rational nature in man is directive not as mere nature, but as a rational nature possessed of and exercising a certain, practical knowledge, that is, that knowledge which exists in our practical reason, and which is identical with those rational lights and principles by which each one is guided in every action as it

occurs to be performed. These principles or lights are, on the other hand, the immediate, practical judgments which we form in consciousness, or in our abiding perception of the objective order of things or in our perception of the natural adjustment of all things to their appointed ends. For this objective order is that threefold essential relation in which man exists: primarily, to God, as his first beginning and last end; secondly, to other created things, either as master in the irrational world or as fellow-man with other human beings; thirdly, to his own faculties, as a creature in whom the lower faculties are, by the arrangement of nature, in subordination to the superior powers of mind and will. In this order all things within and without man are, from the highest to the lowest, manifoldly adjusted and disposed by the Creator to subserve ends and uses which at one and the same time so perfect each creature's own individual nature, as thereby to contribute to the perfection of the entire universe. Man, in consequence, by diverting any creature or any of his own faculties from its

known ends and uses, frustrates, in as far as in him lies, the purpose of its particular creation, tampers with the order which God has put in things and thus violates one or more of the essential relations which constitute the objective or natural order of things.

Now, this objective order, or this adjustment and disposition of all things, through their proximate ends and purposes, to their final end, is but a projection in created things of the Divine Mind ordaining all things to their appointed ends in conformity with the supreme regulating principle of His absolute Goodness, or, which is the same thing, His Absolute Sanctity. The knowledge, therefore, of this objective order, from which we gather those immediate principles which constitute the directive light in our rational nature, is in reality the perception, by the practical mind, of the Divine Goodness. It is the perception of the Divine Nature as the absolute order and sanctity ordaining first, all things without man—creatures and his fellowman—to man, according to the nature and the natural uses of each; sec-

ondly, ordaining all things within man—his body, faculties—to his mind, and through it to his rationally guided will according to the nature and natural uses of his body, his faculties and members; ordaining finally the mind and will of man to God, as to their first beginning and last end.

Rational nature, immediately man has attained the use of his rational faculties, apprehends this order, step by step. Man, himself, is thus, by the necessity of his nature, gradually, yet insensibly as it were, imbued with this objective order, and familiarized with this adjustment or disposition of things which represents the Divine Mind ordaining all things to their appointed ends and uses according to the principle of all order, viz.: the Divine Goodness and Sanctity. Thus imbued or enlightened, his rational nature—man himself—grows up penetrated, whether he will or not, with the order which God, governed, as we conceive it, by the Sanctity of His nature, has founded in creatures. In the practical realization of this order—or in those ever-at-hand, immediate judg-

ments through which we almost unconsciously express to ourselves the necessity, if we would attain to our own ultimate well-being, of using our own faculties and all creatures in keeping with those uses for which it is evident from their respective natures, that God intended and ordained them—consists the self-evident principles of the moral order, or those ever-abiding convictions or lights which govern man in the exercise of his free or moral actions, or in the adjustment of his conduct to the attainment of his final end. Now, it is this adjustment which constitutes their rationality or conformity to reason.

Taken, then, in this relative but complete sense, man's reason or rational nature is a true criterion of morality, although a proximate, dependent and secondary one. For it is thus a true rule, exhibiting, as it does, the created expression of the Divine Goodness, viz.: The order placed in things by God. It is not subordinate to any created rule. It is objective or independent of man's faculties or acts. It is his nature. It is founded

in the essences of the things; being founded in man's nature completely considered, or in the essential relations of man to God, to creatures, and to his own faculties. Finally, it is immutable and universal; for it is identical with man's nature, and coextensive with all his essential and accidental relations to all things. Hence, briefly, *the generic criterion of morality is, proximately, reason; remotely, the Divine Goodness or Sanctity.*

From this doctrine it now follows that all human acts which conform to this objective and final standard of moral rectitude are alike in their generic moral goodness, and that those acts which do not conform to this norm are all alike in their generic moral evil. But neither all good acts conform in the same manner, nor all evil acts fail in the same manner to conform to this ultimate criterion of morality. Hence it is, that there exist different species of good acts and of evil acts, according to the manner of their conformity or difformity with this final standard. This gives rise to the necessity of determin-

ing the *Specific* Standard of good and bad in human action.

This is not, of course, a new or different criterion from the objective and final standard which has been established, but a principle rather, or means by which we may know in what manner any individual human act conforms or does not conform to the universal and final standard of all moral good and evil in human acts. Explained in this way, the specific criterion of human actions may be enunciated in the following principle or proposition :

The object of the act, the intention of the agent, and the circumstances of the action, constitute the threefold moment from which the moral species, that is, the conformity or nonconformity of individual acts with the ultimate norm of moral rectitude, in any and all cases is certainly determined.

The truth upon which this principle rests is the following : Everything from which the *final* direction of a free action depends, goes to constitute its species or the special manner of its conformity

or nonconformity with the final moral criterion. Now, there is nothing from which the final direction of any act, free or otherwise, so much depends as the object or term sought through the exercise of said act. Nothing, therefore, so much contributes to the specification of the act as its object or the subject-matter upon which it is occupied.

However, the intention or the end aimed at by the act is second only to the object as a specifying principle. The normal man will not act without a motive. The intention of the agent is the motor-principle of the act and in so far is, next to the object, responsible for the nature or character of the act itself. As to the circumstances, their specifying power is similar, if not equally primary with that of the object itself. They integrate the object. It cannot exist without them; and, consequently, in their relation to the act they take on to a certain extent the efficacy of the object itself which the act has in view.

Where, then, the object of the human act is good, that is, in conformity with reason and, therefore, ultimately

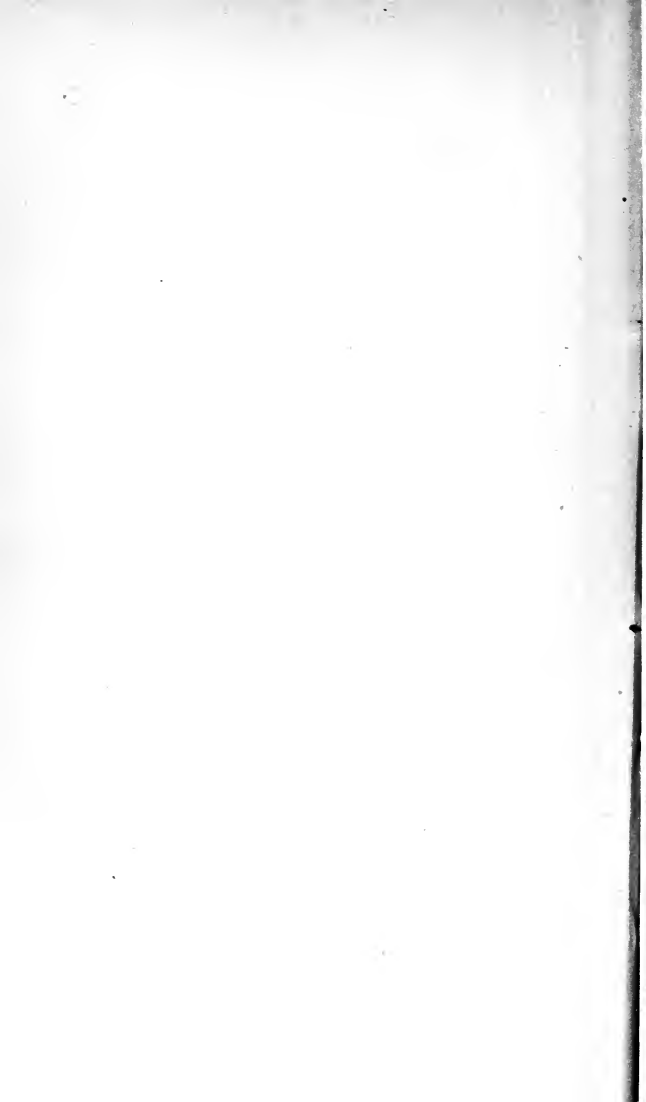
in harmony with the Divine Mind ordaining or ordering all things according to the principle of all order, the Divine Goodness or Sanctity; where, secondly, the intention of the agent is, in like manner, good; and where the circumstances of the act are in the same sense good; the human act itself is good, and good with that particular kind or degree of goodness indicated by the object, the end, and the circumstances of the act. If, on the contrary, the object is not good, the intention and circumstances being good, that is not in conformity proximately with the evident principles of our rational nature and remotely with the Divine Sanctity; or again, if, the object being good, and the circumstances being good, the intention of the agent is evil; or if, finally, the object and the intention being good, the circumstances of the act are evil, the act itself is evil, according to the old adage and moral maxim, "*Bonum ex integra causa, malum ex quocunque defectu*" — *an act is good when all its elements are good, it is evil when any element is bad.*

To resume, then, the doctrine of this lecture, I submit that: Human acts are of a fact morally good or morally evil. Hence the necessary existence of a moral standard. This cannot be the Positivist Standard—the human or Divine Will—for countless acts are essentially and immutably good or bad antecedently to, and independently of, any and all law. It cannot be any form of Eudæmonism, such as Hedonism, Epicurism or Utilitarianism, for they all suppose that the final end, and chief good of man, is a finite good. It is not any criterion set up by Moral Sensism, for morality is an immaterial and abstract, not a material and sensible property of human acts. It is not the pure dictate of reason or Kant's Categorical Imperative, because this supposes man to be an end in himself and reason to be self-sustaining.

But the ultimate generic criterion of morality is, somehow, God or the Divine Mind ordering all things within and without Himself according to His Divine Goodness or Sanctity—the absolute principle of all order. The proximate and

dependent criterion is the rational nature of man as the directive principle of his human actions, that is completely considered, or as cognizant of the objective order founded in creation by the ordaining Sanctity of God. The specific criterion of the morality of human actions, or that element in any free act which indicates at once to the agent the fact and manner of its conformity or difformity with the universal and final standard of good and bad in human actions, is the threefold element of the object of the act, the intention of the agent, and the circumstances under which the free act is exercised.

LECTURE THIRD



THE NATURAL LAW

OR

The Primitive Grounds of Moral Conduct



IN our first lecture we set forth the end towards which all human acts are to freely tend. In our second lecture we established the true principle by which we may certainly determine, both generally and particularly, whether an action conduces to this end and is therefore morally good, or forfeits this end, and is accordingly morally evil. But moral conduct, it is evident, and therefore Christian Ethics, which deals with the ground principles of this conduct, implies more than this. We must further “do good and avoid evil ;” that is, we are obliged to perform those actions which our moral criterion—our rational nature—teaches us to be morally good acts or acts which conduce to our final end, and obliged to

omit those actions which this same criterion declares to be morally evil acts or actions whose performance involves an inevitable forfeit of this same end.

That, therefore, our doctrine of moral conduct may be complete, we shall in the present lecture examine the causes at work upon our free will, requiring it to "do good and to avoid evil." That, at the same time, we may observe a certain order in our study, we shall first ascertain what is the immediate principle or motive requiring us to "do good and avoid evil." Secondly, we shall determine the natural source whence this principle or motive derives its force ; and, thirdly, we shall establish that this natural source is not self-sufficient, but has its first beginnings in God. So that the final reason why we must do only morally good actions and avoid morally evil acts is, like the principle by which we distinguish what is a morally good act from what is a morally evil one, ultimately to be reduced to God Himself.

Now, the immediate principle or motive requiring us to "do good and

avoid evil," is the motive or principle of moral obligation, a doctrine which for method's sake and perspicuity we enunciate in the following proposition :

The immediate motive of rectitude in human conduct is our moral obligation to do good and avoid evil.

The grounds and certainty of this truth rest upon the broad postulate of creation, with which we opened our first lecture. In virtue of the design in pursuance of which all things come out from God and trend backwards to Him as to the center of all order, the common destiny of all things is to move onward, each in its way and after its kind, towards God. Of this universal movement God is the Prime Mover. He has founded, conserves, and, by His concurrence, promotes its progress for the extrinsic manifestation of His glory. But creatures, as secondary causes, coöperate in the execution of this movement, of which they form the integral factors. This coöperation is a law of their nature, being identical, radically, with their natural activities and the exercise of their native energies.

By a triple, immediate necessity, therefore, every creature, rational or irrational, is inserted into this universal movement or order of all things towards God, viz., by the necessary possession of its individual or proper activity, by the necessity to exercise this activity, and by the necessity of putting it forth for the proximate and remote end of its creation. It is this necessity which constitutes the bond which fixedly links all things to the execution of this divinely founded movement, and which, by a constraint rooted in the nature of each, binds every creature to the attainment of its final end. Now, this bond we term natural obligation, employing the phrase in, of course, its largest sense. This bond, or natural constraint, affects creatures after the manner of their natures, and is, therefore, essentially different in rational and irrational creatures.

In irrational creatures, the necessity incorporating them into their final end-order is absolute. For it is their physical determination: (1) To act; (2) to act thus, and not otherwise; (3) and,

finally, to act for a single, set purpose, and not for a choice of aims or objects. It is the Creator who brings them—by means, of course, of their own activity—to their respective ends.

Rational creatures, however, are their own guides, because they are capable of understanding their end, and of appreciating the means of reaching this end. They are, further, their own determining principle, being by nature free to act or do as they please. Hence the necessity which links them to their end-order is absolute, but disjunctive, as we say. It is absolute as to the substance or final outcome of this necessity; it is disjunctive as to the manner of complying with the same necessity.

In the case of irrational creatures, predetermined as they are to fulfill their individual end-orders, and thus to contribute to the universal order, this necessity is absolute in its substance, that is, in its final coercive success, and absolute, too, in its mode of fulfillment, inasmuch as these creatures are not at liberty, but are constrained to fulfill this necessity in the way that has been prede-

terminated for them by the Creator. This obligation of theirs or necessity to observe their order, and remain in line with the movement of all things towards God is often, by an analogical use of the term, called physical obligation.

In man, the only rational being in the corporeal world, this obligation or necessity is, by an exclusive and strict employment of the word, known as and called moral obligation. For while man, like the rest of creatures, is, *in one way or another*, bound to carry out the designs of his Creator and to go back to God sought or unsought as his last end, this necessity of fulfilling the universal end-order of his being is, even for man, absolute so far as its substance or ultimate coercive outcome is concerned. But the manner is, since man is a free agent, entirely in the hands of his own option. He must fulfill the final order of his creation—go back to God—and in so far his obligation is absolute. But he may fulfill this divinely imposed obligation either by seeking God, as his rational nature, the criterion of good and bad in all his choices, directs; or,

by constituting some creature, contrary to the dictate of this rational nature, the aim of his final aspirations, he may fulfill this same order by undergoing the vindictive reaction which, by the eternal loss of the Infinite Good, compensates for its violation in submitting man to the only alternative destiny of responsible creatures, viz.: the necessary penalty of final unhappiness. The force, accordingly, binding man to observe the order instituted in things by the Creator, is a disjunctive necessity acting upon his free will, and therefore termed a moral obligation. This necessity requires him *either* to remain within this order, *or* to undergo, as an alternative and compensating lot, the loss forever of his final and beatifying good, the possession of God.

While, therefore, moral obligation is not a physical bond or force, it is evidently not a merely logical necessity. It is a real energy, inasmuch as it has its foundation in the final end-order incident to the very constitution of things; but moral, inasmuch as it does not exert itself in the determination of

some blind, uninitiative, physical force in man, but appeals to a rational and natural motive of rectitude in conduct, to the free will or determinative power in man. Its root, therefore, is twofold, the one proximate and subjective ; the other remote and objective. Their union is integral to the complete force of this necessity. The former is the practical individual judgment exhibiting a double objective necessity to the will ; that of the *end in itself* and that of the *means* to this end. This necessity of the *end in itself*, exhibited to the will by the moral judgment, is the uninterrupted integrity of the order or course of free actions which unquestionably will insure our last end, whereas that of the means is the position or omission of any free act represented by the judgment as necessary to the integrity of this course or order.

Reason presenting this twofold necessity becomes an imperative dictate urging, in as far as reason by its representative ability can urge, the free will to the position or omission of any action in question. However, while this practical

judgment is, as the proximate and subjective root of our moral obligation, a prerequisite of morally good conduct, it is not, itself, strictly speaking, the obligatory element or moment urging us to "do good and avoid evil." This element lies back of this judgment, and is antecedent to its formulation, being objective, that is, founded in the real or ontologic nature or basis of things constituting the premises or moral environment of the act itself.

The true obligatory moment therefore urging us to do good and avoid evil, is the ontologic or real value of the *disjunctive* of that absolute necessity by which all things are required to remain within the sphere of their end-orders or movement towards their appointed ends; a necessity, that is, of either observing this order or of suffering the eternal loss of the Infinite Good. This disjunctive necessity may, indeed, be either a prime natural necessity, that is, one founded immediately in the very nature of the moral act itself, as the moral necessity to adore God, to believe in revelation, not to blaspheme, not to per-

jure one's self, not to kill, not to steal, etc., or it may be a positive necessity, that is, one founded immediately in a Divine or human law. But this latter necessity is founded upon the natural obligation or necessity of receiving the law itself and the necessity of observing all rightly constituted order, whether its observance is enjoined by the will of God or man, or impressed upon us by the very nature itself of things.

From all of this it is now clear that the universal and ubiquitous obligatory moment or force urging us to "do good and avoid evil," is immediately at least, the force or moment of moral obligation, that is the disjunctive necessity of observing the ordained uses and order of things, or of suffering the eternal reaction of this order against its temporal violation. When this disjunctive necessity is presented to the will by the practical reason, we have the integral cause or motive which, in any and all moral actions, urges us to "do good and avoid evil." So that moral obligation may not inaptly be defined to be "a bond founded mediately or immediately in

the nature of things, and revealed to man by the light of his practical reason, constraining him to either freely and rationally observe the divinely appointed order of things by mediately or immediately tending in all things towards the final possession of the Infinite Good, or to observe this same order by atoning for its violation in time, by the eternal forfeit of the Infinite Good, the term and reward of its faithful observance.

From this analysis of the natural obligation or obligatory force inducing us, albeit freely, to "do good and avoid evil," it becomes evident, that a principle or necessity of this universal breadth and coercive strength supposes a source or origin in nature itself with which it is in a very definite sense identical, and from which it springs as from an immediate and sufficient cause. On the other hand, the necessity underlying moral obligation implies or connotes law. For it is, as I have shown, a force imperative of order. Hence, the origin or source of an obligation so far reaching as the

universe of human activity, must, in the nature of things, justly merit to be termed the Natural Law. That it is natural, arises from the universality, constancy and uniformity of man's moral obligation, to which it stands in the relation of cause to effect.

That, moreover, the origin of this obligation is a law, we know from the definition or analysis of law. Law, in its widest meaning, is, irrespective of the freedom or necessity of the action, a rule or measure of action. In this sense, even the predetermined sequences of irrational actions from their native sources, is a law, which we term the physical law of nature. In a narrower acceptation, law is a rule, a formula or a method of practice or deliberate and trained action. It is in this sense that we take law, when we speak of the laws of commerce, of war; of the laws of painting, sculpture, poetry, logic, music, etc. In its philosophical meaning, however, or in that sense connoted by obligation, law is any "ordination of reason promulgated with a view to the common good by him on whom the care of the community

devolves." Hence its source must be reason, *i. e.*, a rational or intelligent nature. For it is a rule or a measure of human actions, governing their tendency towards man's last end or ultimate good.

Yet, it is not a mere idea, or judgment of reason. It must emanate from rational nature as an ordination or as a decree, that is, as an act both of the intellect and will of the legislator. Because a law, after all, is a wish that the subject conform to a certain norm or order of things set by the superior. For this reason too the decree or law must be promulgated. To bind the subject, the law must be brought to his knowledge or notice, which is what we understand by its sufficient promulgation. It is also to further the common good, as against a private or special interest. In this it is distinguished from a precept, which is promulgated to a single individual or is meant to promote isolated or individual aims. And, finally, as the definition intimates, it is an ordination promulgated by him upon whom the care of the community devolves. For, as St. Thomas observes, law primarily

and principally aims at order, whose object is always the common good.

The office, accordingly, of constituting that which aims at promoting the universal good pertains naturally either to the community or to its legitimately constituted vicegerent. Hence it is that the legislator is, as society is constituted, the individual or body upon whom the care of the community by choice or right devolves. Now, moral obligation, which, as we explained, is the immediate motive why we "do good and avoid evil," is not uncaused. It finds its source in the Natural Law or in that ordination of reason promulgated by the Author of Nature, on whom the government and good of the universe depends. This doctrine may be formulated in the following proposition:

The proximate source of all moral obligation is the Natural Law.

There are two points set forth in this proposition: (1) That there is a Natural Law, and (2) that it is the source of our moral obligations. The existence of the Natural Law has been impugned; but without stable grounds. Its exist-

ence, in fact, is the objective basis of Conscience, and cannot therefore be legitimately questioned without ruling out the testimony of Conscience. For our rational nature, under the aspect of its manifestation to us through the facts of Conscience, or of our personal and intimate experience, truly exhibits every feature of a moral law framed and promulgated by the Creator. Our intimate moral experience, accordingly, apart from any *a priori* argument, vouches for the existence in man of the Natural Law.

The fact, known to everybody, is that our rational nature or the principles of the practical reason in us made thus manifest through Conscience, is a subjective, stable rule, speculatively and effectively legislating for the ultimate and divinely appointed end-order of human actions: *speculatively*, inasmuch as it is a proximate norm or guide to the moral agent as to what is and what is not a good action; *practically*, by binding his will to the election of good as against evil conduct, through a real although moral necessity. For, upon consulting our

intimate experience or Conscience, we shall find that with the same evidence—and one inseparable in us from the use of reason—with which we invincibly judge that certain actions are good, and others evil; with the same do we at the same time as invincibly apprehend that evil actions, just because evil, are illicit, and that good actions, just because they are good, are licit, and some of them to that extent here and now licit and even necessary to the rectitude of the moral order, that they are therefore precepted. We therefore feel that, of a fact and by nature, we are, as it were, imperatively bound to avoid the evil and to perform the morally good actions.

Conscience, therefore, declares to us that there is within us an imperative rule or measure or rational ordination governing our conduct. Nay, Conscience reveals more than this to one who is not a liar to himself. It reveals to him that this rule, in its directive and obligatory force, emanates from God, upon Whom the care of this universe of men and things devolves, and that, therefore, it exhibits the full features of law. The universal-

ity of its self-evident principles or dictates and their absolute value show that reason is not a law in itself, but in so far only as it is a participation in us and a derivation from the Divine Mind which is the prime law and rule, as it is the primitive founder and conservator, of the broad community of all things. For the principles and dictates of no reason can be universal and independent but that reason upon which the good of the universe of things depends.

Then, again, the manner in which this internal authority as well when it commands as when it only judges, manifests itself to the individual Conscience, indicates its divine origin. For each one of us feels that he submits himself to this authority not always of his own accord; but that even unwillingly we regard it and submit to it as to a majesty distinct from ourselves, as to an authority above us, and as to the universal and inexorable guardian of the universal order. So much so that, upon the violation of this order, we fear this offended majesty, and with an invincible dread hear it through the interior voice of Conscience threat-

ening us with vengeance even for crimes or violations of order which are not public but hidden and even exempt from the action of human tribunals.

Our rational nature, therefore, or practical reason as the directive and obligatory principle of moral acts, exhibits all the features of the Natural Law. For it is (1) an ordination of reason, that is, a rule or measure of action having in view man's common, *i. e.*, essential good, his last end and all things contributing to it. It is (2) promulgated by Him upon whom the care of the community of men devolves, viz.: God, the supreme ordinator and ruler. For man's reason, its activity, its universal first principles, are derived from God and therefore reflect the mind and will of God in His government of the universe of men and things. And, finally (3) this promulgation being made to man by the gift of his rational nature, the law which is identical with this nature as a directive and obligatory principle of moral actions, is in very truth a Natural Law.

Were we then to consult Conscience only, the existence in man of the Natural

Law would be as evident as a first principle. But we are not obliged to have recourse to Conscience only. The fact of man's creation and destiny to a final end necessarily implies the existence in him of the Natural Moral Law. The Natural Law is man's only means of reaching this end. Being free, the sole link by which he is bound to order and to his last end, is law. Any other bond supposes the destruction of his free will. Furthermore, it must be a natural law, that is, one known to him by the fact of his rationality or the light of his rational nature. For man, like every other creature, must tend towards his destiny naturally, or by that specific force which nature has given him. Besides, the end he is to reach is a natural one, and, therefore, to be reached by natural means.

Whereas, finally, were there no Natural Moral Law in man, there would exist no positive law. For even the positive Divine Law supposes the Natural Moral law. Man would not, in fact could not, obey God, unless antecedently his reason made it clear to him that it was

right and good for him to receive and acquiesce to the orders and laws of God. Another strong argument in favor of the Natural Law is its very definition. It is a law founded in nature by the Author of Nature and promulgated to man by the light of his natural reason. There is such a law in man. Therefore, there exists in man a Natural Moral Law. In the first place, the nature of the primary obligation by which we "do good and avoid evil" indicates that the law of our moral conduct is founded in our rational nature. For this obligation is universal, affecting all men and all man's actions; it is immutable; it is independent of any individual or multitude of human beings, and, therefore, essential to or founded in rational nature. It is an obligation from God, or the Author of Nature. For it emanates from a principle—the necessity of the moral order which has in view God Himself as last end, and which urges to the pursuit of this end on pain of the eternal loss of the Supreme Good. It emanates, therefore, from an expression in human nature of the

Divine will or decree. And, finally, it is a law promulgated to man by the natural light of his reason.

By the simple light of his reason, that is, by the sole consideration of his rational nature in itself, and relatively to its destiny—in which sense we have shown it to be the proximate criterion of morality—man knows, without effort, that certain things are wrong and therefore to be avoided, that other things are good and therefore to be done. Thus, the moral and universal human phenomena of shame, mental unrest, spiritual distress, fear, anxiety, horror, despair, in a word, the stings of Conscience, evince the fact that by the simple light of reason we profoundly understand that our conduct has run counter to some fundamental law of our nature.

Thus, again, the ubiquitous persuasion among men that not only certain acts are good and certain other acts evil, but, further, that certain acts are prohibited and certain other acts commanded, yet, independently of any divine or human positive law, indicates

that, by the light of reason alone, we are aware of a law within us dictating certain conduct and proscribing a certain other course of action. Now, this law founded in our rational nature, whose author is God and whose promulgation is the light of our own reason, is what we understand by the Natural Moral Law. So that without pursuing the matter with further argument, we conclude that it is evident from the testimony of Conscience, from the fact of creation, and from the definition itself of Natural Law, that there exists in man such a principle as the Natural Moral Law.

Now, it is from this principle in us, the Natural Moral Law, that our obligation to "do good and avoid evil" proximately arises. This was the second point in the proposition we enunciated above. There will be no difficulty in understanding this when we realize that, of a fact, this obligation or the disjunctive necessity bearing upon the will through the representations of the practical judgment and urging it to "do good and avoid evil" is nothing more or less

than the first principle of the Natural Law. That there is a first principle of the Natural Law, there is no one, that I am aware of, who sincerely doubts. There is, however, a controversy as to what it really is as manifold as the diversity of opinion upon the criterion of morality, with which this principle is intimately akin.

Among Catholic moralists, however, there exists no divergence greater than one touching the formulation of the principle. Ordinarily it is formulated with St. Thomas, thus: "The good is to be done and the evil avoided." And in point of fact, the supreme principle of the Natural Law should exhibit three leading features. It should (1) be a *formally* first principle, that is, exhibit the essence of law as law, or contain that which in every matter of law is, by itself and for its own sake, commanded or ordained; (2) it should be *materially* first or the most universal of all principles, comprehending all the natural duties of man; and (3) *known of itself* with an evidence not borrowed from other principles.

These features are verified in the principle we have enunciated. In the first place, it exhibits the essence of law as law. For the essence of Natural Law—upon which Positive Law is founded—is the safeguarding of morality in the exercise of our free actions. It is the conservation of that order or disposition of human nature towards the possession of the Infinite Good which is its last end; from which the moral character of all human actions is derived. On the other hand, however, this order or disposition is then only insured when this principle, “good is to be done and evil avoided,” is reduced to practice, or verified in action. It is, then, the principle which enunciates that which formally or essentially constitutes law, and in fact the Natural Law itself. It is, furthermore, materially the first principle, or that one in which all the natural duties of man are implicitly contained and upon which all other moral principles rest. For when we classify them, all the moral duties of man are embraced within the sphere of his relations to God, to himself, and to his fellowman either individually or

collectively taken. The principles, or subordinate moral laws which govern him are but rules founded in the nature of these relations.

Well, now, these relations themselves are but the totality or the sum of the various respects in which the rational nature of man may be viewed in order to its final end, the object which is implicitly aimed at in the just observance of all these relations. The principle, therefore, which legislates for the right ordering of human nature in its totality or in every respect in which it may be considered relatively to man's last end, of a necessity, contains impliedly all the laws which govern this nature in all its detailed relations or respects. Moreover, as man's subordinate natural duties are founded in these special laws or principles, those too in consequence, are all contained in his supreme moral duty. Now this is, we know, to do all that will conduce towards his final end, and to avoid everything which is calculated to prove an obstacle to its acquisition ; that is, it is the principle of all order and law, "good is to be done and evil to be avoided."

That this same principle is self-revealing and self-evident needs no illustration. It is the sense of mankind. Nobody moreover, denies it ; and being at the basis of all moral order and action, it becomes as patent and self-evident as our rational nature itself, the directive principle of moral actions ; and this the more so, that it is implied in the certainty and evidence of every other moral principle. "Good must be done and evil avoided" is, then, the first principle of the Natural Moral Law. That this first principle is identical with our moral obligation or the necessity we are under by our very nature, of doing good and avoiding evil, is quite evident. This necessity is the necessity of attaining to our final end, and of observing the order which God has instituted for realizing the Infinite Good, by either freely seeking this end, fulfilling this order, and tending towards this good, or of eternally atoning for not doing so. Now, this is precisely the necessity enunciated in this first principle of the Natural Law. For this Good or final end is impossible without doing good and avoid-

ing evil. Hence, we conclude that, as we stated in our second proposition, our *moral obligation is proximately founded in the Natural Moral Law.*

Yet, neither this first principle of the Natural Law and the obligation which is identical with it, nor the Natural Law itself, is absolute and final as an explanation of why we must "do good and avoid evil." These are in the created order, and, therefore, are not self-constituting, but suppose a law which is in every respect primary, independent, self-existing and universal. Such a law is what we understand by the Eternal Law existing in the mind and will of God.

St. Augustine defines it as "The mind or will of God enjoining the conservation and forbidding the disturbance of the natural order;" or in another place, "that supreme ordination of things in God which must always be obeyed."

St. Thomas defines it as "The principle of the government of things existing in God, as the Ruler of the universe;" or, again, as "The Divine Wisdom, in so

far as it is conceived to be the directive principle of all the actions and movements of created things in their tendency toward their final end."

So that when we come to analyze and define it in itself, the Eternal Law is an "ordination of the Divine Mind by which God, necessarily and from eternity, has decreed all things which He has created, to tend, conveniently with the natures which He has given them, to their appointed ends either in time or eternity."

In this way the Eternal Law is the most universal of all laws. It embraces not merely the government of moral, that is rational, beings, but that also of physical nature, or irrational beings; and even the direction of rational beings towards their supernatural end, on the supposition that God has founded the supernatural order. Like all law, the Eternal Law must be promulgated. Its promulgation is nothing else than the impression of this ordination upon the created natures governed by it, a promulgation which is evinced by and recognized in the inborn and natural

inclination of every created nature towards its own specific actions and ends, or—which is the same thing—its own specific perfection. This impression is participated in two ways, according to the two broad classes of creatures. In irrational creatures it is participated irrationally, or by the instinctive physical pursuit, without the power of self-direction, of these native inclinations. In rational creatures it is participated intellectually. By this we mean to say that the Eternal Law is in rational creatures not simply the gift of a created nature, which, without self-direction and freedom, pursues its native inclinations; but a rational and free nature, which not merely pursues like other creatures the inclinations impressed upon it by the Creator, but which so follows these inclinations that it is, itself, directive of its acts and movements and free to exercise them as it is minded.

Rational nature is, accordingly, an image, in the true sense, of the Divine Nature, inasmuch as it is a nature which, like the Divine Nature of which it is a participation, is self-directive and inde-

pendent of any necessary determination in the exercise of its specific acts. From this, therefore, it follows that the Natural Law is, as St. Thomas puts it, but a participation, in the rational nature of man, of the Eternal Law. This participation, on the other hand, is concretely the nature itself of man, endowed, as it is, with its inborn self-direction and physical independence in the exercise of the activity through which it is to attain the ultimate end appointed for it by the Creator. From this intrinsic dependence, therefore, of the Natural Law upon the Eternal Law, or, better still, from this identity, through participation, of the Natural with the Eternal Law, it is as evident as it can be that the obligatory force of the Natural Law proceeds from the Eternal Law, or to go back to our definition of the Eternal Law, from the "creative ordination of all things existing in the mind of God." So that, therefore, we may now state the entire doctrine of moral conduct in the following proposition:

The motive or principle urging man to "do good and avoid evil" is, imme-

diately, the disjunctive necessity of observing the moral order, a necessity which is proximately identical with the obligatory force of the Natural Law and which, in consequence, proceeds remotely and originally from the Eternal Law of which the Natural Law is the promulgation and limited participation in the rational nature of man.

In view, therefore, of the Eternal Law from which all created obligation finally arises, Emmanuel Kant's autonomy of the will, or his doctrine of the will as an absolute law to itself, is evidently false. Kant's theory of moral obligation is coördinate with his doctrine of the Moral Standard. His moral criterion, as we have seen, is conformity with the Supreme Moral Law or the Categorical Imperative.

This supreme law, in its turn, is the dictate of pure reason, or the abiding, inborn and unconditional command of the reason to act reasonably, that is, to act simply and solely out of reverence for reason and for nothing within or without reason, above or below reason. This, of course, constitutes human rea-

son the final source of all moral obligation; and by divorcing moral obligation from God and therefore from religion, it sets up an entirely lay-morality or, which is the same thing, it eliminates from the idea of conduct any relation to God, religion and Church.

Moreover, by making the individual will autonomous, that is, by constituting the sum of its rectitude and goodness in a reverence for the dictate of the individual reason alone, it lays the foundation of Individualism, the root and ground-principle of the present almost universal tendency to Anarchy.

And, again, it must and has resulted in a theoretic and practical, moral scepticism. For it is impossible, even theoretically, and *a fortiori* practically, to determine what is pure reverence for the Moral Law which Kant sets down as the only motive for doing good and avoiding evil. So that a universal, theoretical and practical doubt as to whether he has ever performed a morally good act is necessarily the universal lot of man. Nay, this autonomy undermines the very concept of moral obligation. Obli-

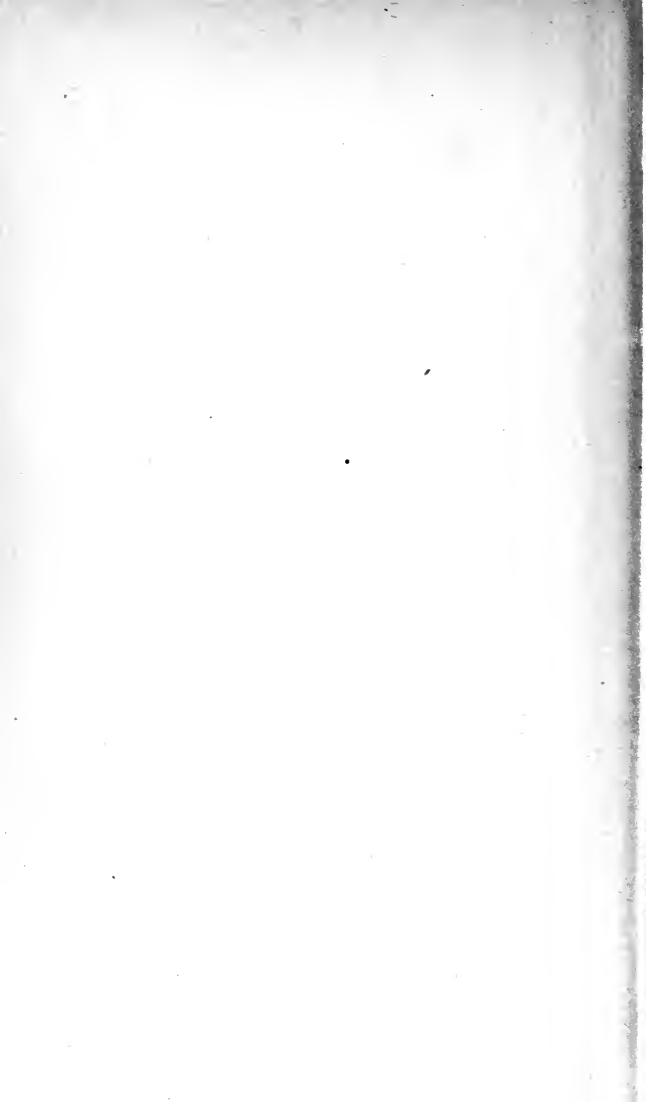
gation carries with it the idea of a bond whose essential aim is the proper ordination of the rational creature to its appointed end or destiny. Well, now, the rational creature cannot create this bond, for the simple reason that it is not its own ordinator. And it is not its own ordinator for that other twofold and simple reason that it is not its own founder nor creator, nor its own end-giver or the assigner of its own destiny.

The root, accordingly, of the Kantian error, is that it ignores the fact that man is a creature; and that, therefore, he is no more an end in himself, than he is a beginning in himself. It ignores in consequence that, therefore, everything in him is relative, the terms of the relation being himself—his reason and will—on the one hand, and all other things and God, on the other. To God his relation is that of a rational creature to its last end; to all other things it is the relation of this rational creature to the means of attaining to God. Their use is a necessity, for the end is necessary. The manner of their use is governed by the disjunctive necessity of the

moral order, that is by the necessity of either so using them as to attain to God, or of suffering the eternal penalty of their abuse. This necessity and obligatory force is, itself, founded in the universal Law of Nature ; that is, it is identical on the one hand with the divinely impressed inclination of all creatures to elicit the acts and carry forward the movements which will bring them to their respective ends or perfections, and, on the other, with the divinely impressed inclination upon man's intellectual nature, of eliciting acts and movements of his own and of using the acts and movements of all other creatures in such wise that they will further his own last end.

This Natural Law, finally, and the obligatory force founded in it proceed from the Divine Will or Eternal Law of God Who created all things, appointed to each its own end and perfection, and governs the movement of each by fixed laws impressed upon their natures, and made manifest in the character of the acts and movements by which each tends towards its specific perfection and final destiny.

LECTURE FOURTH



THE TRIBUNAL OF CONSCIENCE

OR

The Individual Arbiter in Moral
Conduct



I N my two previous lectures I treated successively of the principle by which we are to judge of the moral goodness or evil of a human action, and of the obligation of the Natural Law urging us to perform morally good actions and to avoid morally evil acts. But it is one thing to understand speculatively what is a good, what is an evil action, and to realize that, according to the Divine Will expressed in the Natural Law, we are obliged to “do good and avoid evil;” and quite another thing to apply this knowledge and obligatory law to our own individual actions.

That the obligatory force of the Natural Law, and, through it, the obligation

of the Positive Law, may exert itself to bind the individual, it is not enough that the law be promulgated by the legislator. It must further come to the knowledge of the subject. It comes to the knowledge of the subject through the individual Conscience. Hence, the individual Conscience is the proximate, formative principle of human conduct. I am to treat of this principle in the present lecture, dwelling, in the first place, upon the nature, phases and authority of Conscience; secondly, upon its relation to the moral and supernatural virtues; and, thirdly, upon the character which it imparts to human actions.

The term Conscience has been diversely employed. Some confound it with the act of consciousness or the act by which we are made aware of our existence, of our thinking, of our acting or, in general, of our being disposed interiorly. Others make it out to be the soul itself as self-conscious. Hence, they speak of a clean Conscience or an impure Conscience. Others, again, signify by Conscience our habitual recognition of the most universal moral prin-

ciples, as that we must worship God, honor our parents, and not do to another that which we would not wish to have done to ourselves.

Strictly speaking, however, Christian moralists understand by the moral Conscience a judgment of the practical or moral reason upon the licitness or illicitness of an individual action or of its omission.

Conscience is not, then, as some writers would awkwardly suppose, the soul itself, except, perhaps, in a figurative sense as poets and orators are wont, in warmth or apostrophe, to designate it. For a like reason, it is not a faculty, or rather, it is no other faculty than that of the reason; for faculties are determined, both in their number and kind, by their specific objects. If these are many and essentially different, the faculties differ essentially and are multiplied according to the number of specific objects. This is not the case here. For Conscience turns upon and deals with truth.

Truth is the formal object of reason, which either apprehends, judges or ratiocinates upon it. Their essential

objects being identical, Conscience and reason are alike objectively, and therefore one and the same faculty. The fact that Conscience deals with moral truth is no difficulty. Its morality is only an accident or modification of truth, and will not, accordingly, have any other effect than to distinguish the act by which reason attains to moral truth to be accidentally different from the acts by which the same reason arrives at other modifications of truth, such as logical truth, mathematical truth, metaphysical, economic or political truth.

Conscience is, then, an act by which my reason applies the ethical standard and the obligation of the Natural Law to the position or omission of my individual acts. We may define it to be a judgment of the practical reason finally dictating that this action is to be performed because it is commanded ; that this action is to be avoided because it is forbidden ; or that this action is left to my own option, because it is neither commanded nor forbidden, but permitted or only approved of or commended.

Defining it, however, still more briefly, Conscience is a judgment dictating to us the licitness or illicitness of any given action. It is evident, however, from the very definition of Conscience that it is not, in its integrity, a simple, but rather a complex, act. It is a syllogistic act or act of ratiocination. Analyzing it very closely, we observe that in its entirety it consists in that activity of the reasoning power in us by which the difformity or conformity of a given action in the individual with the general law, is set forth.

That it exhibits a syllogistic feature appears from the fact that the act of Conscience consists, in its adequateness or taken for all that it implies, of a major premise in which the general law in the matter is presented to the will; as in these cases, for instance: "A lie is forbidden," "Theft is forbidden," "To bear false witness is not allowed." In the minor premise it is then enunciated that the act under deliberation comes under this general law. Thus: "But this answer, this statement under deliberation, is or is not a lie; this act

of appropriation is or is not theft; this testimony is or is not false witness." From these premises the conclusion is gathered which is the formal or characteristic act of the Conscience. "Therefore, this answer or statement is or is not permitted, this act of appropriation is or is not licit, this testimony may or may not be given." Hence, it appears as a first thesis or proposition in this matter that:

The Moral Conscience is not the soul, nor any of its faculties, but an act of the practical reason declaring the licitness or illicitness of a given individual act.

The phases, or the divisions of the Conscience, as they are not unfrequently termed, are several.

To begin with, it is quite evident that the act of the will to which the application of the Moral Law is made, may be a past, present or future action. In the case of a past action, it is clear enough that the application of the law follows the position or omission of the act, and that, therefore, the Conscience, which deals with actions which the individual

has performed or omitted, is the consequent Conscience.

It is very often referred to, also, as the approving or accusing, the defending or excusing, Conscience. The designations are taken from the result of the application of the moral law to the deeds we have done. From this application it will appear either that these acts were in accordance with the law, and then Conscience approves them ; or it will appear that they were at odds with the law, and then our Conscience accuses us of them ; or, finally, it will appear that they were permitted by the law, and consequently our Conscience defends or at least excuses them. This process of the application of the law to our past action is what is known among moralists and ascetics as the examination of the Conscience. The consequent Conscience is not, however, the arbiter or regulator of individual conduct, except, perhaps, in as far as the experience of the past serves as a lesson for the conduct of the future.

The formative Conscience or the guiding principle of individual conduct is

the antecedent Conscience. It is called antecedent inasmuch as it is a practical moral judgment about a present or future act which precedes the actual exercise of the act, declaring, as it were, to the will that said act should be done, or should not be done, or that we are free to perform it or not, according to our option.

For this reason, the antecedent Conscience is often termed the imperative Conscience, the prohibitory, permissive or the soliciting Conscience. This diversity of nomenclature is derived from the attitude of the moral law as applied to our several human acts. For at one time the law commands these acts, at an other it prohibits them, again it simply permits their exercise or even solicits the will to perform such in preference to other actions. Now, the antecedent Conscience, or this act by which we apply the moral law to our present or future actions, naturally takes on, or is essentially subject to, three distinct relations giving rise to several other phases or divisions of Conscience.

Thus, we may, in analyzing the judicial act of Conscience, look at its conformity

or difformity with the law it applies. If it conforms to it, it is said to be a true or a right Conscience; if it fails to conform, it is a wrong or false Conscience.

The explanation of the distinction lies in this. If our moral judgment declares *that* to be licit or illicit, *which*, in itself, and independently of our individual view of it, is licit or illicit, our Conscience is *right*, that is, in accord with the nature of things, or it is true, that is, represents things as they really are.

If, on the contrary, Conscience represents as licit that which is illicit, and illicit that which is licit, it is a *wrong* Conscience, not being in conformity with things, and false, because it does not represent things as they really are. This error may, of course, be culpable or not, vincible or invincible.

In this alternative we shall have a vincibly or invincibly erroneous, culpably or inculpably erroneous Conscience, accordingly as the error could have been set aside or could not, or is due to our own fault or free from any guilt on our part.

In the second place, we may, in studying the judgment of Conscience, look at the firmness of the internal assent which we give to the practical conclusion arrived at by Moral Reason or, as we may call it, the faculty of the Conscience. Described from this standpoint, Conscience may be *certain*, it may be *doubtful*, and, finally, it may be a *probable* Conscience.

The distinction existing between these different states of assent to the judgment of Conscience arises from the degree to which fear of the contradictory judgment has been excluded. Thus, in a *certain* Conscience, no fear whatever, that is, no hesitation prompted by the truth, or value of the contradictory judgment, is mingled with our assent to our moral judgment. My Conscience, for instance, dictates to me with certainty that to steal this man's watch is wrong, because I do not at all fear that the contradictory judgment—to steal this man's watch is *not* wrong—is or can be true.

Acting under the dictate of such a Conscience, is to act with a certain

Conscience. If, however, I have any fear that the contradictory judgment is or may be true, my Conscience for this reason is not certain, but *doubtful*. In this case, pending the removal of my doubt, I must suspend my moral judgment. I cannot act until the doubt has been removed. The doubt, however, may be negative or positive. It is negative, when I have no reasons for assenting to the affirmative, yet, on the other hand, no reasons for assenting to the negative of contradictory propositions or judgments. It is a positive doubt, when I have reasons for and against following the judgment of my Conscience.

A negatively doubtful Conscience is practically no Conscience at all, and a person with such a Conscience may act or not act as his liberty or obligation preceding such a doubt prompted him or required him to act. Thus a person doubts whether he may read a certain book. On thinking the matter over carefully, he finds no reasons whatever why he may read, yet none whatever why he may not read. He is free to read or not, as he chooses. Again, there is a strict

obligation to pay a just debt. Upon mature examination in every direction, I have no reason whatever to think that I paid it, none whatever that I did not pay it. The doubt is purely negative, and as it does not destroy the moral certainty of the obligation, the obligation remains as it was previous to the doubt, and I must pay the debt.

With a positively doubtful Conscience, however, it is not permitted to act. The doubt must first be set aside by examination, consultation or some other means by which a *certain* Conscience is formed. Hence, to illustrate, should a person have positive reasons why he should not read a given book, he cannot read it, although he has also positive reasons why he should read it. His Conscience is positively doubtful. It must be made certain. For it is wrong to act, except with a certain Conscience.

Finally, the assent to a moral judgment may be given, but with a prudent fear of the truth of the contradictory judgment. This is a *probable* Conscience. It differs from a doubtful Conscience inasmuch as it involves a judg-

ment, whereas a doubtful Conscience does not. *When there is question of the licitness or illicitness alone of an action, a probable Conscience is a safe Conscience, and can be followed, inasmuch as no law governing the licitness or illicitness of an action is certain, if there is a strong and true probability militating against it.*

In the third place, Conscience may be viewed from the standpoint of the habit which it induces in the soul. And thus we have, finally, a *tender*, a *lax*, a *scrupulous*, a *perplexed* Conscience. His Conscience is *tender*, who in every action, even those of minor moment, is wont to diligently inquire into, and to accurately determine the licitness or illicitness of an action, and to abide in each act by such judgment. His, on the contrary, is a *lax* Conscience, who rashly and for slight reasons everywhere, concludes that there exists no obligation, or that there is at least no grievous evil involved in his conduct. On the other hand, a person who for trifling reasons sees and fears sin where there is no sin, or sees grievous sin where

there exists at most but a venial fault, has a *scrupulous* Conscience, whereas finally, he possesses a *perplexed* Conscience, who judges it wrong to do a given act and at the same time wrong to omit its performance. So that, to sum up in one thesis the various phases or divisions of the Conscience, we state that:

The Conscience, in reference to its conformity with the moral law, is right or wrong, true or false; in reference to the assent we give to its judgment, it is certain, doubtful, or probable; while in reference to the habits it induces in the soul, it may be tender, lax, scrupulous or perplexed.

The authority of Conscience, which we were to speak of after its definition and divisions, is proportionate to the obligation existing to follow its dictates. This obligation may be stated in the following proposition:

Provided it is morally certain, Conscience is the proximate rule of conduct, which we are at liberty to follow if it is permissive, but which we must follow when it commands or forbids an action or course of conduct.

The reason underlying this doctrine is simple enough. For the will is a blind faculty. It, therefore, needs direction. Reason, on the other hand, is the natural guide of the will. Its direction lies in the law, which it proposes to the will for its guidance. Yet the mere proposition or promulgation of the law is not a sufficient direction for a faculty which elicits or imperates our human actions.

A more specific, proximate and subjective rule is called for, dealing with each human action as it occurs to be performed or omitted by its individual, human agent. Such a rule is, of course, the application of the general law to each particular action. Now, this is the application made by that judgment or act of our moral or practical reason, which we have called the Conscience. It is more *specific*, being the application of the general law to the individual act. It is a more *proximate* rule, for it is the general law promulgated to the individual will.

It is, finally, a *subjective* and *internal* rule inasmuch as it is an act of the

moral or practical judgment, indicating the conformity or non-conformity of each human act with the moral law. Accordingly, Conscience is the ultimate rule and final tribunal of conduct. When, therefore, it permits, we may securely follow it; when, however it commands or forbids, we must adjust our conduct to it, if we would remain within the moral order.

However, the judgment of Conscience must be at least morally certain, before it can be looked upon as the rule and proximate law of conduct. By this we mean to say that it is necessary, before we act, to know that the action or its omission is licit and that the action or its omission is obligatory. We must be at least morally certain that the action or its omission is the object of some law, prohibiting or commanding one or the other.

To fail to do at least so much and yet, conscious of this negligence, to proceed with the act, is practically a contempt both of the law and the law-giver. To act or omit to act through such a motive or in such a state of cultivated

or fostered ignorance, clearly and of itself, renders the action morally evil. No law, on the other hand, is binding, which is not known as a law, and moreover known to certainly exist and to be certainly binding. A doubtful law is not obligatory. Now the law is ultimately and completely promulgated to the individual as certain both in its existence and its force, through the certainty with which it is proposed to him, or exists in his moral consciousness by its application through his Conscience or moral judgment to any of his individual acts.

As a consequence, therefore, the obligatory force of Conscience depends upon the fact of its moral certainty. Moreover, moral certainty, as opposed to physical or metaphysical certainty, is sufficient. In fact, no other certainty in *moral* matters is possible but that which excludes every prudent doubt.

The certainty attainable in concrete moral matters is not like the certainty on which principles themselves of moral conduct are founded, absolute and metaphysical. For our assent to these

concrete moral judgment does not rest solely upon the abstract, the necessary, and the essential, but also, and in as large a measure, upon the relative, that is, the concrete circumstances in which the general principles or laws of conduct are, in each individual act, always diversely embodied. This concrete application depends, in fact, upon a thousand things which are not involved in the general principles, and which it would be impossible to forestall in the abstract theory of moral acts. Yet these are the very things which must inevitably enter into the conditions and contingent existence of each individual action.

While, therefore, it is absolutely necessary that Conscience in its role of the ultimate rule of moral conduct *must* be at least morally certain, it is at the same time equally true that moral certainty, or that certainty which excludes all prudent doubt and exhibits every motive to elicit the assent of a prudent man, is amply sufficient to constitute Conscience a safe and well-appointed guide in moral action.

However, Conscience, let its authority be what it will, cannot, unsupported, render man's conduct always and everywhere morally right. Conscience is an efficacious law securing conformity with the moral order only where man is disposed to follow its dictate constantly, promptly, and with an inborn or acquired relish for acting conformably to reason.

Now, the moral virtues alone create and preserve this threefold disposition. This we know, first of all, from the very definition of a virtue. Virtues, says St. Thomas, are habits inclining the mind and will to acts conformable to reason. But, apart even from the definition of virtue, it must be very evident to anyone that, where the mind and will are disinclined through passion and vice to acts conformable to reason, it is a practical impossibility for Conscience to maintain human conduct in harmony with the moral order. This truth makes the moral virtues a necessary condition for moral rectitude in conduct. For the elementary dispositions for preserving moral rectitude are three:

First, uniformity in our way of acting. There can be no moral stability where fickleness and uncertainty control our methods of action.

Secondly, promptitude in the pursuit of moral rectitude in our actions. Where indecision, doubt, hesitation, inquisition, characterize our every act, moral motives lose their force, passion is allowed to come into play, precepts and the force of obligations are obscured or relax their energy, and moral conduct is either jeopardized or at least rendered inconstant.

Thirdly, a relish for rational or moral conduct and a satisfaction in its pursuit. Nothing is so stable and preserving in man's conduct as that which is done with a native relish and satisfaction. Moral conduct becomes, in this way, the outcome of a natural impulse and, like nature itself in us, is abiding and immutable.

Now, the moral virtues alone will secure this uniformity, promptitude and moral relish. This becomes evident from a brief survey of the home forces at work in man's moral economy. There are four

such forces invariably concerned in the activity of man's moral life. These are his reason, his will, his concupiscible appetite or his sensuality, and his irascible appetite or what is better known as his temper.

The moral disposition of reason is secured and safeguarded by *prudence*, whose constituent features are good council, correctness of judgment with discernment, whose concomitant and preserving virtues are mindfulness, intelligence, foresight, docility, circumspection, and an uninterrupted caution over one's thoughts, words and actions.

The will receives its proper moral disposition from the virtue of *justice*. Justice, it is hardly necessary to say, is "a constant and abiding inclination in the will to render to every one his due," as well in his individual as in his social relations.

It is termed legal justice, when its end is to subordinate the distributive will, or will of every member of the community, to the law providing for the good of the community.

It is denominated commutative justice when it inclines the will to the observance of a strict equilibrium between the rights of one and the duties of another.

And, finally, we call it distributive justice when it inclines the individual will—especially of those in authority—to fairness in the meting out of rewards and punishments and the apportionment of civil favors and burdens.

To it, as to their natural spring, we trace the virtues of religion, filial piety, patriotism, obedience to rightly constituted authority, gratitude, veracity, reverence for authority, and our natural admiration and service of excellence, dignity, honor and worth in any line.

Temperance, the third in the order of moral virtues, is the moral health of the sensual appetite. Its aim is to subordinate the sensual propensities and traits to the conduct of reason. It is not a name for an isolated virtue. In its train, and doing its work by parts, are, first, the virtues of abstinence, sobriety, and all those moderate habits which conduce to the conservation of the individual na-

ture; secondly, chastity, purity, and those other moral restraints necessary to the conservation of the species itself; while annexed to temperance, and aiming at the same moral disposition of the will coupled to the passions and our lower nature, are continency, humility, meekness, modesty, thriftiness, austerity, simplicity, and that grace of soul which comes of manners and culture.

Finally, in *fortitude* we have that complete equipment of disposition which is to support Conscience in the uniform control of the will and in the unfailing security of morally good as opposed to morally evil conduct. Fortitude is midway between timidity and audacity, and is a strength in the soul to undergo labors, dangers, adversity, difficulties, with intrepidity, for the success of a good cause. It differs, therefore, from timidity, which shrinks from these things, inasmuch as fortitude is, if necessary, boldly aggressive. It is distinguished, on the other hand, from audacity inasmuch as it implies a moderation in all things, which audacity lacks or neglects. Fortitude, therefore, besides a number

of minor moral forces, calls into incessant play those great staying energies of the soul, magnanimity, patience, and the crown of all human endeavors, the virtue of perseverance in good begun.

However, while it is true that uniform moral action without the guidance and restraint of Conscience is a graceful fiction, and while, on the other hand, it is equally true that Conscience is handicapped without the aid of the great cardinal virtues, it is just as certain that these same cardinal virtues, to be genuine, must be informed, that is, animated by religion.

There is no virtue where there is no living conformity to the rational order of things. Now, the rational order, if it connotes anything, connotes and even essentially imports religion, or what is tantamount, the recognition, profession and acting out of our universal dependence upon God, for there is no genuine virtue where there is no moral conformity out of love and reverence for God's service, a conformity which implies a love and reverence for God himself, or the exercise of the essential acts

of all religion. Virtues not founded upon religion are but "splendid vices"—to use the censure of St. Augustine.

Furthermore—although it seems superfluous to state it—genuine virtue is impossible in the present or actual providence of God under which man is living, unless animated with the Christian religion. For in the order of the providence in which man now lives, no other religion is sanctioned by God but the Christian religion. Therefore, no virtues but Christian virtues, however superior they may be in the moral order, are acceptable to God and meritorious or salutary as dispositions of man's soul, or as features perfecting his activity towards the successful attainment of his last end.

This must be so. For these features, these dispositions, these virtues, must be supernatural; that is, they must correspond to the order in which man now exists relatively to his last end. This order is the supernatural order, founded in the revelation and mysteries of the Christian Religion. For divine revelation has infallibly established that man's last

end is supernatural, and is, and from the beginning was, the vision of the Divine Essence. Man's motives of action are therefore to be supernatural, that is, they are to be motives drawn not from the uncertain light of reason alone, but from reason illumined by the clearer and more certain light of faith.

Moreover, in virtue of the divine Redemption, man's aids are now not simply the powers of nature alone, but nature strengthened by the grace of Christ's sacraments and the theological virtues of faith, hope and charity, added to the value of the supernaturalized cardinal virtues.

Finally, in virtue of the divine institution of Christ's Church, the integral guide of man's activity, of his faculties, of his soul, is not in the present order the unaided direction of the Conscience alone, but over and above the divinely commissioned, external authority of the true Church, teaching an infallible doctrine and enforcing the completest code of moral, ascetic and mystical principles, laws, counsels, for the direction, sanctification and super-

natural perfection of human activity and through it human conduct.

From the relation of Conscience to the free will of man, that is, to the formal moral principle of human acts, flow the two leading concrete features of every moral act—its imputability and its power to merit or to demerit. For, while Conscience, with all the force of the law whose application and concrete expression it is, commands, forbids, directs, and thus adjusts our single actions to the moral standard, urging to good and restraining from evil ; it, nevertheless, in every single action, leaves the will of man physically free. Man's will can, if it choose, heed or not heed the voice of Conscience. In this physical freedom of the will under the direction of Conscience, resides the formal character or the root of moral imputability, which is an essential feature of every moral act.

Imputability, in its wider sense, is not, of course, the imputability with which we are here dealing. In this wide sense, imputability is the attribution of an action to an agent, sim-

ply as to its cause. And in this wide acceptation, even necessary actions are imputable, because they are attributable to their necessary causes. In this way, we attribute the burning of a house to fire, the death of a person to the sickness of which he perished. Of this imputability, I say, we are not now speaking. The imputability of moral actions, or moral imputability, is the attribution of an action to its moral agent for his blame or praise. Such an attribution is evidently founded in the physical liberty of the agent.

We cannot praise or blame an individual for an action which he was not free to perform or not to perform. Hence, the moral imputability of an action has its root in the physical liberty of the agent ; hence, too, *every* moral action is imputable, because every moral action is a free action ; hence, finally, every moral act is imputable for praise or blame, for it is imputable as a good action or as an evil action.

Furthermore, the fact that the imputability of an action is founded in the liberty of the agent, leads on to

and evinces the further truth that, whatever adds to or curtails the liberty of an agent, or at least the liberty of any one of his actions, that very same thing, for that very reason, and in just so far, emphasizes or minimizes the imputability of that particular action. Thus, ignorance, passion, fear, coercion, habits, affect the imputability of an action, because they affect its liberty. Antecedent ignorance touching the nature of an action, takes away its liberty ; the action which results is not, in consequence, morally imputable. Previous passion, however, unless it destroys reason, does not neutralize the freedom of an act, and, accordingly, actions committed in normal passion are imputable. Passion does, nevertheless, tend to lessen the liberty of an act. It, in consequence, lessens its imputability. Violence, if absolute, destroys the liberty of an action, hence, too, its imputability ; while the habits or the customs acquired by the agent do not remove the imputability of an act ; because, be they ever so inveterate, they leave the physical liberty of the agent intact.

Again, not only the act itself is imputable, but all effects connected with the action are, equally with the act itself, imputable to the agent, whenever they may and should be considered as freely elected through or in the act itself. They are then voluntary and free *in their cause*, as we say, which is the free act with which they are connected.

And, finally, not simply the agent's own actions are imputable to him, but the acts of others may likewise be morally imputed to him. If he can be the voluntary and free cause or co-cause of another's action—and he can positively and negatively—that action is imputable to him, in so far as he coöperated in it positively or negatively. Thus, he coöperates positively in another's action, who (1) orders it, (2) counsels it, (3) consents to it, (4) praises the author of it, (5) harbors him and lends him succor. While he (1) whose silence gives approbation to the deed, (2) who does not, when he easily could without any evil to himself prevent the action, and

(3) who refuses to reveal the author of an act, when it is his duty to do so, is a negative cause of the action, and, accordingly, of the consequences which follow from it as from their natural source.

From the liberty and imputability of an action which has been exercised under the guidance of Conscience, we easily deduce its capacity for merit or demerit, the second leading feature of every moral act. The process of this deduction is natural and plain, when we have familiarized ourselves with the ideas themselves of merit and demerit.

These ideas are, we believe, familiar enough practically if not speculatively. Taking them up, therefore, in this latter sense, merit, first of all, is the exigency to be rewarded, inherent in a good action. In the case of demerit, it is, in the same way, an exigency, or rather an unfitness in the action, deserving to be punished. The nature of this exigency, and therefore of merit, lies in the character of the conditions upon which its existence depends, for in order that an action carry along with it that value, which we call

merit, five conditions are generally reputed necessary.

In the first place, the action must be morally good. For it stands to reason that evil is to be punished, not rewarded.

Secondly, the meritorious action must be free. An action, which we are forced to do, or which by nature we necessarily do, is not, in so far at least, deserving of reward. Such an action is not morally imputable to the agent, whereas imputability lies at the root of both merit and demerit.

It must, in the third place, be productive of good to him by whom it is to be rewarded. This condition for merit grows, again, out of the fact that it must be imputable not as an evil or as an indifferent action, but imputable as a good and praiseworthy action.

Fourthly, this morally good, free and beneficent act must be received by the remunerator as meritorious. For while an action may be, considered in itself, very worthy of reward and may be, therefore, in the fitness of things or

congruously, as we say, meritorious, that is such an act that it is proper and becoming that it should be rewarded ; yet it does not demand to be rewarded, or as we again say, it is not condignly meritorious unless he in whose favor it has been performed receives it as a meritorious act. It is this acceptation—an obligation or species of obligation on the part of the remunerator—which founds the condignity of the act or its exigency to be rewarded, and which, therefore, constitutes the integral note or character of its merit.

Finally, an action that is meritorious must not be due in justice, for then it is an obligation; nor performed in view of a favor previously received, inasmuch as it would then be a return for a favor received.

An action, therefore, in which, these five conditions are verified, is in every sense a meritorious action. Demerit, on the other hand, exists whenever an action is morally evil ; where it is further freely perpetrated ; and thirdly, where it results in the gratuitous detriment or evil of another. It is then deor-

dinate, imputable, but imputable to the blame of its agent—three features, which constitute a natural and sufficient basis for the exigency or demand for punishment in such an action.

It is evident, I think, from this brief analysis of merit and demerit, that man can, by his moral actions, merit or demerit before God and his fellowman. That he can merit or demerit before his fellowman, offers certainly no difficulty.

We can merit or demerit before whomsoever our actions are imputable to us, and promote a gain or entail a loss to another which is not already and in every sense due or incurred in the order of strict justice. An action of this sort is everywhere, even with the rudest of men, deserving of reward or punishment. This everybody sees.

The difficulty is felt to arise when there is question of merit or demerit before God. Yet, even here, in as far as merit is concerned, no difficulty can possibly exist. For even before God, man can and does perform actions morally good or conformable to the moral order; secondly, actions,

which are entirely and physically free; since, as we have taught in the preceding and in the present lecture, neither the Natural Law nor the voice of Conscience does away with man's physical freedom of choice and action.

These same actions are or can be a good to God. They can promote His extrinsic honor and glory, the only good man can render to God. For as he who violates the law offends the ruler; so he who observes His law honors the Supreme Ruler. Moreover, God has, from the beginning, accepted man's actions as meritorious, for, by creating him, God ordained man for a perfect happiness whose possession He has, by the voice of the rational nature with which He endowed man, promised to him as an eternal reward, provided he observes the law of God during life, or performs morally good actions and avoids morally evil deeds. Finally, the moral actions of man are not, at least all of them, performed out of a sense of the reward promised to them and already received; whereas the objection ad-

duced in this connection, that these actions are due to God in virtue of the law by which He commands them, only proves that it is our duty to perform them. It does not deny that we may be, and are, rewarded by God for doing our duty—especially when this duty is performed willingly, diligently, promptly, and out of an interest for the glory of God and the promotion of His designs in ourselves and others.

A greater difficulty—a stumbling block, in fact, for some people—lies in the nature of our demerit before God. Not, indeed, that man may deserve punishment at the hands of God, both in this life and in the next—this much all concede, and claim that they understand it.

The stumbling block is the nature of the punishment in the next world. It is objected from the start that it is against reason. Not, indeed, that there should be punishment in the next world; for the idea of an All-Just God, the fact that man's soul is immortal, and that the lot of the good and the wicked in this world is so one-

sided, goes all the way to prove that the wicked shall reap the reward of their evil, in the punishment of the next world. But it does seem unreasonable, we are told, that this punishment should be eternal. Yet, we are forced by reason itself to admit and maintain, as we do in this proposition, that:

The eternal duration of the pains of Hell, which God has ordained as the supreme and perfect sanction of His law and of the dictate of the human Conscience, is not only not adverse to reason, but in entire harmony with its legitimate conclusions.

There are three points from which to consider the eternal duration of the torments of Hell: In the first place, from the standpoint of God; secondly, from the standpoint of the human will; and, thirdly, from the standpoint of sin, the cause of this torment. From each of these points of view, the doctrine of eternal punishment is in full accord with reason.

For, to begin with, eternal punishment is not in contradiction to the goodness, the mercy nor the justice of God.

Not certainly to His goodness, since He punishes because the law has been violated, not because He delights in the sufferings of His creatures; not to His mercy, for He does not punish without permitting an opportunity for repentance; not to His justice for He punishes in proportion to the violation of the law, and only after affording every natural and supernatural aid to its observance, and when the time of probation has passed.

God's mercy is infinite, it is true, as a divine attribute; but its manifestation cannot be infinite, where this manifestation would interfere with God's infinite justice. His attributes cannot clash. Now, God's infinite justice requires that the punishment of grievous sin should be eternal.

The crime is infinite. It is an offense against the infinite majesty of God. The punishment must be in proportion, and, therefore, infinite. But it cannot be in any other way infinite, but in duration; for a creature cannot, but in duration, undergo an infinite punishment, and this on the principle that an infinite

accident cannot subsist in a finite subject.

Moreover, the sin that is the matter and motive of eternal punishment, is itself eternal; so too, then, should the punishment be everlasting. For one, who by his own free will falls into mortal sin, thereby voluntarily places himself in a state from which he cannot emerge unless divinely aided. Consequently, by the fact itself that man wishes to place himself in a state of mortal sin, and actually does so, he constitutes himself, in as far as it depends upon him to do so, in a state of eternal aversion from God. Perishing in this state, his will enters into its post-probationary or fixed condition, from which it is impossible, even for God Himself to ever unsettle it without annihilating the will; and He has, in the very nature with which He created the will, promised that this He would never do. That it should change involves a contradiction.

Aversion to God and love of Him are contradictory states, and their simultaneous existence in any will is intrinsically impossible. For, on supposition, the will,

after death, is fixed in hate. Its period of change—probationary period—has passed. Now, it is impossible for it to remain a will fixed in this hatred of God, and to become, at the same time, a will fixed in the love of God. It would thus be and not be at the same time, fixed in the hatred of God; or be and not be fixed in the love of God. This is impossible. It remains, therefore, forever in sin; and for this reason eternally deserving of punishment.

There is, then, nothing in the goodness, mercy or justice of God to lead us to conclude that eternal punishment is unreasonable.

Nor is there anything at variance with reason in eternal punishment, if looked at, in the next place from the standpoint of the sinner. His offense, as we intimated, is infinite. It is an injury done to the infinite majesty of God. For, an offense is, we know, in its gravity, measured by the nature, dignity, condition, and other specific notes, of the party offended. Reason, therefore, dictates that its punishment should also be infinite, that is in justice measured

by the gravity of the offense. It cannot be infinite but by lasting, as we said, forever. For man, being finite, is, as we just now intimated, incapable of otherwise being the subject of an infinite quality, modification or punishment.

Moreover, the sanction of the Eternal Law should, as reason dictates, be sufficient and efficacious. Now, unless the punishment of the grievous violation of the Natural Law is eternal, this sanction would fail in both these respects. For without having recourse to any proof more urgent than the existing condition of things, the strongest argument to illustrate the truth of this doctrine is that, even those who are convinced that this sanction is eternal and that the punishment of sin is to be everlasting, even those are nevertheless in countless instances not at all deterred from the most grievous violations of the law of God and man.

Man in point of fact is the subject of manifold and serious trials which render the path of virtue extremely difficult. The struggle of life is long and painful. The temptations of the world, the flesh

and the devil are frightful and persistent. Man, himself, is, in fine, even with grace, so weak, unstable and given to the pursuit of creatures rather than of the Creator, that no sanction short of an eternal punishment for a contempt of the law, is able to restrain his human will and to preserve it in uninterrupted harmony with the Divine Will.

Finally, man deserves punishment as long as he is in sin. On the other hand, he will, as we have shown, be in sin forever, if he closes his probation in the state of grievous guilt or entire aversion from God; unless the cessation of his probation is an injustice, and therefore unreasonable. But, there is nothing unreasonable in God's appointing a time beyond which no hope of pardon for sin committed is possible. Man himself does that much.

Crimes of which a culprit will not exonerate himself through the process of a complete legal probation, he stands thereafter accused of without appeal.

Contracts remaining unsatisfied upon the expiration of the stipulated period of their force and value are there-

after worthless. Duties, whose fulfillment is required during a fixed period cease on its expiration. Rights are no longer rights when the term of their juridical force has transpired. Hence, upon the expiration of man's probation, sins unrepented for will remain, and therefore, so long as they endure, will continue to deserve punishment. They will, however, endure forever. As a consequence, their punishment must be eternal.

This same conclusion is, in the third and last place, reached by dwelling upon the nature of sin, which is the cause of this eternal punishment. It is, in the first instance, a perpetual aversion from God. An aversion, inasmuch as it is a turning from God upon the pursuit of some creature or passion. It is perpetual, for the simple reason that Divine Grace alone can release man from the sinful state. Now, there is a strict proportion between a perpetual state of aversion from God and eternal punishment.

Accordingly, whether we take into consideration God, man, or sin itself,

there is nothing repugnant to sound reason in the eternity of the punishment of the next life, which God has instituted as a sufficient and efficacious sanction of the law by which He governs man in his career towards his final end.

Eternal punishment does, I admit, jar upon our human feelings. But we are not to always judge of the reason underlying the dispositions of Divine Providence by their harmony or discord with our sentiments or feelings. We should reflect that, if, indeed, it is an awful thing to be punished eternally for even a single mortal sin, this dreadful realization proves not that God is unjust, merciless and wicked ; but that it is an enormous evil to offend the Divine Majesty by the commission of even a single mortal sin.

LECTURE FIFTH



THE DOCTRINE OF RIGHT

OR

The Ultimate Source of Man's Juridical Powers and Claims

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IN the brief and summary course of General Ethics, of which the present lecture is to supply the concluding thesis, I have successively set forth : (1) The ultimate end of human action, which is the knowledge and fruition in the next life, of God, the Infinite Good ; (2) the Moral Criterion of human action, that is established that the standard of good and bad in human action is its conformity, primarily and remotely, with the Divine Goodness, the end and exemplar of the moral order, proximately but secondarily, with reason, the directive principle of human actions, or, briefly, that it is its conformity with objective order of all things towards God as perceived by the practical reason. I have set forth: (3) that

the moral necessity or obligation requiring man to do moral good and to avoid moral evil, is founded in the Natural Law or in the promulgation in rational nature of the Eternal Law, which is that eternal ordination by which God governs all things to their appointed ends, proximate, mediate, ultimate. And (4), I have established that the principle by which both the Moral Standard and the Natural Law—which constitute the integral objective rule or guide of moral conduct—are applied to each individual act, is the human Conscience, which is thereby the principle in man of moral responsibility, and of merit and demerit before God and man.

It is evident from this doctrine, that the moral order is held together by moral bonds, and that the free activity of man is restrained within the limits of this order by forces and powers growing out of nature itself. But it has escaped no one that, while man exhibits fundamental relations towards God, he, at the same time, stands in a manifold relation to his fellowman,

considered socially and individually. The former relations are termed man's moral obligations, and the sum of these obligations constitutes the moral order. The latter are called his juridical relations, and they constitute the juridical order. If, then, his relations with God, his last end, are governed by the diverse phases of that necessity of the Natural Law which we call moral obligation, his relations with his fellowman must also be governed by a necessity, that is, by a sum of forces and powers constituting his juridical obligations or his natural Rights and Duties. A course of fundamental Ethics could not logically treat the one obligation and neglect the other. They are parts of one whole. Moral obligation is juridical, when the human act is looked at from the standpoint of man's relations to God, self, and fellowman; juridical obligation is moral, when the human act is viewed from the standpoint of Conscience, the Natural Law and man's last end.

The treatment of natural Rights and Duties may be, I know, and is, various, for the ends proposed in their consideration.

I shall treat them from the ethical standpoint only. To do this with a certain order, I shall first, after some preliminary notions upon the nominal and real definition of Right and Duty, establish the existence of natural Rights and Duties; secondly, I shall prove the unity of the moral and juridical orders, or show that all natural Rights and Duties are founded in the moral order; thirdly, I will examine two or three of the leading theories of the origin of Rights and Duties.

The term "Right" is not unfrequently employed in the sense of "*the just*," or "the object of justice;" not of justice in the very general signification of righteousness, but of justice in the more technical meaning of legal, or, better still, social justice, the sense in which it is divided into commutative, legal, and distributive justice. Right, in this definition, is that equitable thing which founds any one of these three orders of justice.

Again, Right is often taken to mean law. The reason for this is, that law is the rule or measure of the just,

or of the right or equitable thing upon which Right is founded. In this signification, Right follows the extension of law and its qualification. So that, in the same manner that we speak of the moral law, the social, international, ecclesiastical or canon law, the civil law; so too we speak of moral Right, social, international, ecclesiastical and civil Rights. The decision of the court, the ruling even of the judge, is often termed Right, in this second meaning of the term, because, in these illustrations law is, correctly enough, the rule or measure of the just or equitable thing which founds Right.

The third signification given to Right is both more familiar and more distinctive. In this sense, Right implies a legitimate moral power to get and to keep anything, or to perform a function or quasi-function the violation of which would constitute an injury. When speaking of Right, this is the sense in which we shall employ the term, unless we distinctly mention that we use it in another meaning. We do not thereby exclude or ignore Right in the first or

second meaning, but to avoid ambiguity, we will, when we must advert to it in these other senses, refer to it as *justice* or as *law*, rather than as Right.

Now, that Right, or that this moral power, is something real, the end of which is the foundation and conservation of social order, no one seriously calls in question. The controversy turns rather upon the nature of Right and upon its connection with the moral order. On the one hand, those who are Positivists in Ethics, deny the existence of natural Rights, and maintain that all rights are, as they would have all morality to be, founded in some positive law. On the other hand, of those Rationalists who concede the existence of natural Rights, as distinguished from and even founding positive Rights, many, if not all, deny that there is any kinship between the moral and juridical orders, or that Right is founded upon morality.

Christian or Catholic moralists, however, teach, first, that besides Positive Rights man enjoys further natural Rights; secondly, that every natural

Right, that all Right, in so far as it may claim to be a Right, is derived from and subsists in virtue of the Divine Authority, and that, therefore, thirdly, Right is wound up with the moral order by an essential and changeless unity. Before setting forth the doctrine involved in these three points, it is necessary to understand distinctly in what the essence of Right consists. The divergence of opinion which we find upon the first principles of Right is largely due to a misconception of the nature of Right.

All admit, and it is hardly possible, in the face of a universal persuasion, to deny, that the essential feature of all Right is its coactive inviolability, or is its so thoroughly founded and sanctioned claim in justice to the performance of a corresponding duty, that the duty may be even enforced. Modern writers deny that this alone is sufficient to constitute an efficacious Right. It must, from their standpoint, be further coupled with a physical power of efficaciously exerting coercive measures,

thus rendering this inviolability something extrinsic and accidental. Yet, to state the true doctrine in the shape of a proposition, we submit, that :

The coactive inviolability which constitutes the essential note of Right, subsists independently of any physical power to efficaciously exert coercive measures ; so that a Right otherwise legitimately founded, remains intact and valid, even though it become, by the accident of circumstances, destitute of both public and private physical support.

This truth grows, first, out of the fact that Right is essentially a moral power and, in this, is so distinguished from merely physical force; that, it is therefore wholly independent of the support of physical aid or strength. The same truth grows, secondly, out of the absolute moral efficacy of the title upon which a genuine Right is founded. This title is the dictate of the moral and practical reason. It is absolute, and therefore independent of any condition arising out of the physical order or the order of material force.

Moreover, that it be exercised is not an essential requisite of any legitimate moral power. It is not essential, therefore, to the existence of a Right, that it should be exercised. Hence, even though through circumstances it be forced to remain in abeyance, it is still essentially a legitimate moral power.

Finally, there is nothing so preposterous or absurd as that all the Rights of man, even the most essential, should depend, not simply for their exercise and their external efficacy, but even for their substantial character and juridical vigor, upon uncertain and contingent circumstances, and be, in this way, at the very mercy of perversely minded men. This idea, or rather doctrine, is not only in its sequel but in its principle and source subversive of every notion of order and justice. It has grown mainly out of the axiom of modern jurisprudence, an axiom which, in its turn is based upon the Positivist theory of Right, that, viz. : "There is no Right but Positive Right," that is, no Right but that constituted and sanctioned by society, or rather, the state.

This doctrine, to begin with, is absolutely false, notwithstanding the hold it certainly has upon the popular and even juridical mind in this country. For:

There exist natural Rights essentially independent of any positive ordinance and furnished with every juridical power.

There are two distinct grounds upon which this doctrine rests: (1) The characteristic features of a genuine, *bona fide* Right, and (2) the philosophical necessity for admitting the existence of natural, as opposed to positive, Right.

The characters which give existence and individuality to any Right, are, first, definiteness—indefinite, vague Rights are practically no Rights—and, secondly, juridical efficacy. Both these characteristics are prominently, the prerogatives of natural Rights. In the first instance, the determination, definiteness, or precision of any Right, grows out of the promulgation and clearness of the law, upon which it rests and upon some clear fact applying or concreting this Right in some person or in regard to some definite matter.

The general precepts of justice, like the general principles of the Moral or Natural Law, are so evident to the light of reason that it is impossible for anyone who enjoys the use of reason, to remain in invincible ignorance touching their existence. In virtue of the same natural evidence and light, the application of the general laws of nature, in at least obvious matters, is fully and clearly made for every intelligence which has been so far evolved as to exercise its most elementary and essential functions. And if indeed at times these precepts or principles founded in the Natural Law are obscured and unattended to, this arises not from any defect of natural light to perceive them, but grows out of an induced darkness, created by a depraved and rebellious will.

Moreover, and finally, the daily and intimate consciousness of each of us, makes us clearly aware of the existence of those general precepts of Right, which regard the foundations of social, domestic and individual life, and which are proximately and immediately neces-

sary for their existence and well-being. In so far, therefore, as the definiteness of a Right depends upon the promulgation of the law which constitutes its basis, natural Right is as determined as the law of nature itself. But its application is equally determined, definite and precise.

There are certain Rights and also certain Duties so immediately derived from the evident principles of the Natural Law, that their particular determination and concrete application arise from facts which antedate every positive, public ordinance or declaration founded in the laws or received customs of any and all communities. Such Rights are, first of all, the absolute or connatural Rights of man, the title of which is founded in human nature itself, and which are, accordingly, determined by the natural fact alone of the existence of the individual. Of these are the natural Right to live and preserve life, the Right to personal security, the Right of liberty of Conscience, of acquiring property, the Right of contract, and the like.

Such, again, are those acquired private Rights—acquired in view of the organic origin of human society—which, of their very nature, precede and are logically preredquired in the individual, for the existence of social intercourse. Of this kind, for instance, are those juridical relations among private individuals determined by the exercise of simply connatural Rights. Such is the Right to possess any definite matter of property, the Right involved in simple contracts, in donations, in exchanges, in purchases, etc. Of this kind such, too, are those acquired Rights growing out of the juridical relations essential to and constitutive of domestic society.

Such, for example, are the Rights existing in man and wife, in child and parent. Such, in a word are those Rights, found in the individual and in the family as the preëxisting elements which, in the natural order, ontologically precede and are preredquired by civil society.

Finally, even among public Rights, there exist some whose sufficient determination as Rights antedate any posi-

tive intervention of society. Thus some are specifically determined; as the Right, *e. g.*, possessed and conceded to public authority as such, apart from what may be its historic form. Some are determined even in their individual nature by the coöperation, it is true, of many men, yet not by the ordination of society; but rather through the concurrence of natural facts, the various exercises of private liberty, or the convention of diverse individuals for a given object.

As far, therefore, as the first requisite constituting natural Right is concerned, there are certainly Rights in man determined by their foundation in the Natural Law, and their concrete exemplification and illustration in natural facts or conditions of the individual, the family, and even of civil society, which antecede and are pre-required for the very existence of society and civil organisms.

The second requisite to constitute a genuine Right is an innate juridical efficacy, independent of all extrinsic support from the ordinations and mate-

rial aid of civil enactments. Now, natural Rights are eminently in possession of such a juridical efficacy. To make this conclusion clear, it is essential to recall here the preliminary truth upon which we dwelt above, that, viz., the essential characteristic of a genuine Right, its coactive inviolability, is not to be confounded with any actual physical force or with any other external concomitant of a fully equipped Right, in virtue of which its requirements may be forcibly, if necessary, put into execution. This inviolability is, as we pointed out, an entirely moral power founded upon the postulate of Reason or the Natural Law, and, like the Right itself, whose essence it is, subsists in all its rational vigor, although, perforce of external conditions, the physical strength to efficaciously assert its prerogatives may be denied it. This observation is all the more to be attended to, that precisely in this confounding of juridical inviolability with the physical supplement of a fully equipped Right, lies the error of the denial of man's natural Rights, or the

assertion of the existence of only positive Rights. From this premise, therefore, clearly understood, follows the essential necessity of admitting, antecedently to the existence of any positive Right, the previous validity and efficacy of natural Right.

I think, in fact, that no doubt can attach to this doctrine, when we reflect that the validity and, therefore, juridical efficacy of natural Right, is the foundation and essential condition of the validity and efficacy of even every positive Right. It certainly is the foundation of every positive human Right, for every positive human Right, whether founded in law or custom, emanates from some human authority, and has its objective force or value from the same source.

Well, now, no human authority is final or self-subsistent. It reposes for its strength on an antecedent law or right. From this, in consequence, it immediately derives the law-making and right-constituting prerogative conceded to it by all men. Now, there is no such antecedent or original Right within the limits of the natural order, but that

natural Right which legitimate human authority has, to be acknowledged and obeyed, when it legitimately ordains. Any other Right must account for its claim to be a Right; and, therefore, the authority founding it must give a reason which all will understand to be final, why it has a right to be acknowledged and obeyed. It can, in the natural order, go no farther back, than to the Right it has from nature to make laws and establish Rights.

This same reasoning will hold in the case also of divine positive Right. For, although as vested in God it possesses a native force of abstract existence, it would have no force or value in the concrete, unless, as an essential and prerequisite condition, there existed in human nature, perforce of the integrity of the Natural Law, a juridical and indispensable duty to respect God's positive commands. Without this basis, then, even God's Right would lack the force and efficacy of genuine Right for human society.

Another argument urging this same conclusion, is gathered from the origin

and constitution of civil society. In its natural origin and evolution, society is a moral organism successively evolved from and simultaneously composed of individuals, families, clans, tribes, etc., exhibiting, finally, the composite and complex form of civil society. These evolved and constituent sub-forms are not mere lifeless elements of civil society. They are, in themselves, vital, moral organisms. They possess, consequently, their essential internal constitutions. They have their respective ends and scopes, antecedently to their ultimate evolution and comprehension into the formal existence of civil society. They were juridical factors, previously to their being civil, social elements or members.

Hence, in civil society, we have, by the very institution of nature, social organisms anterior to not only every public positive law or Right, but to every form of civil society, from which it is claimed that positive Right emanates. For it must be very evident that these social organisms cannot and could not subsist without certain internal

juridical relations, or without an order of Rights and Duties instituted, like the organisms themselves, by nature and, like these organisms themselves, antedating every positive law and right, or, which is tantamount, drawing their validity and efficacy whence they draw their institution, from the law of man's rational nature.

A final argument for the existence and native efficacy of natural Right is that, in the order of Providence, natural Right is the one necessary and efficacious bulwark of personal liberty against the arbitrary and manifest abuses of private Rights. For it is impossible that in the social order there should exist any other legitimate safeguard to which man could appeal, if not always with real results, at least with the certainty of moral retribution against the arbitrary violation of his just rights by man or State. Were there any other appeal, it would be to the Divine Positive Right or to a superior human Right. But the appeal to Divine Positive Right is an appeal to revelation, and to the supernatural order.

This would be an admission of the insufficiency of the natural order within its own sphere, an absurd supposition when we reflect that, while the supernatural is built upon the natural, they are nevertheless independent, and both equally the perfect work of an all-wise and all-holy God.

Besides, there could be no logical appeal to revelation by men such as the Statolaters and Positivists, who are our adversaries. They admit neither revelation nor religion nor the authority and Right which is inherent in these interpreters and executors of the Divine Positive Right. On the other hand, there is no appeal to a superior human positive Right. For this, in the first instance, involves the *natural* justice and therefore *natural* Right to such appeal. Secondly, there is no higher Right which lies somewhere between human positive Right and natural Right. There is, therefore, nothing left but an appeal to that Right which man has, which is founded in nature, or to admit the juridical omnipotence of human law as the founder and disposer of private

Right. This latter alternative is so plainly absurd and destructive of all justice, that it is not even to be thought of. For, on this supposition, it would follow that, Rights founded in nature itself, and, therefore, inalienable, would, in a collision of natural and positive Rights, where the former are not protected by a bill of Rights, be forced to vacate their title and to abdicate the very name even of Right. Thus, according to this teaching, slaves shut off from the protection of the civil law and handed over to the avarice and tyranny of their masters, would, because the Right of the master prevails by law and force, possess in truth and justice no valid Right, no claim that could have the name of Right, to liberty. Thus, too, little children deprived of existence before their birth or exposed to death after birth would, if this doctrine possessed any truth, really possess no valid Right to life; because their Right to live was, or is, proscribed by the nefarious laws or still more criminal customs of their country or their age. The natural Rights, there-

fore, enjoyed by man, are his strongest appeal against the abuses and injustice committed in the name of positive Right; and in this, as we stated, we have another argument for the inborn efficacy of those Rights that are founded in nature.

From the arguments we have put forward to establish the existence of natural as against merely positive Right, we have meanwhile also made it to appear that, not only are there natural Rights, but that natural Right is the foundation and essential condition of all positive Right. With this truth established, we are prepared to move one step further on in our doctrine of Right, and to state, in the form of another doctrinal proposition, that:

Every Right, formally as Right, that is, considered in its irrefragable vigor—from whatsoever source it immediately arises, or whencesoever it in particular receives its determination as this or that Right—flows finally from the Divine Authority; and, in virtue of this same originating authority, subsists of its own supplemented juridical vigor.

We clearly distinguish two elements in every Right, first, the formal or essentially constitutive element peculiar to every Right, in so far as it is a Right; secondly, what is termed the *material* element, in virtue of which every individual Right enjoys its special determination as such and such a Right. This element is as diverse and multiple as the contingent facts upon which it depends. When, therefore, we speak of all Rights, as founded mediately or immediately upon the Divine Authority, we are not of course alluding to this material and contingent element; but we speak of the specific or moral element. It is this element which lends to every Right its character of Right. For Right, if we may be allowed to recur to our definitions, may be taken in two senses. It may stand for the law upon which the Right rests. This definition of Right, although one of the three legitimate senses in which the term may be employed, is one which we promised not to introduce, without calling attention to the change. Well we have here made this change.

Now, every law is founded upon the Divine Authority. Natural law certainly is. This we established in our lecture on the Natural Law. There we indicated that the Natural Law is but the promulgation of the Eternal Law in rational nature. On the other hand, no Positive Law, the law upon which all positive Right rests, can exist which is not formally and reductively, or in its obligatory force, ultimately founded upon the Natural Law. And this for two reasons at least: first, because of the nature of moral obligation, which enters essentially into every Right; secondly, by reason of the essentially one and common end of all natural legislation. For nobody but God, the Supreme Regulator of the moral world, can oblige rational creatures in his own Right. Hence, nobody but the Divine Legislator or one holding power from Him in the natural or supernatural order, can make a law obliging a rational creature. Hence, again, every positive law, human or divine, is formally and reductively, or in its obligatory force, founded upon the Natural Law. For, to pursue the

matter to its basis, the ground reason of it all is, that no being but God can impose upon a rational creature the disjunctive necessity of doing good and avoiding evil, as an essential condition and a necessary means of attaining to the Ultimate End.

Moreover, and in the second place, every positive Right has this in common with the Natural Law, that, it is "a rational ordinance promulgated for the common good." Hence, too, it participates, in some manner, in the essence of the Natural Law, and promulgates, in particular, and in a relative way, that which the Natural Law promulgates in a universal and absolute manner. Thus, it either limits the general ordinance of the Natural Law to some special subject-matter or it sets forth, in a definite and circumscribed manner, that which the Natural Law enunciates in a general and indefinite fashion. Hence, finally, all Positive Law is but a limitation and application, more or less direct, of the Natural Law, which, as we have said, is nothing but a participation

of the Eternal Law, existing in the mind of the Regulator of the universe.

But Right may, again, be taken as we have taken it throughout this lecture, as a moral power to get or hold or do anything. In this signification, it is internally and essentially, correlated to Duty. Now all Duty, of whatever description, is ultimately traceable to the Divine Authority. It arises from Positive or Natural Law and like these is ultimately reducible to the Divine decree ordaining the observance of the moral order, on which, as we have seen, every moral obligation is finally grounded. For the autonomy of reason, the alternative constructed by Kant, assumes the absolute independence and self-existence of human reason, and logically leads to Fatalism or Pantheism. In fact, to adduce a final argument for every Right, the moral force—that which equips it with inviolability—is its title. Now this, in the case of every Right, is immediately or mediately founded upon some Divine law.

Hence, the very foundation or title of every Right, rests upon Divine Author-

ity. For the title of every Right is, of its very nature, some truth or dictate of the moral reason which is universal and evident in itself, and which is, through a logical necessity, applied by the Conscience or Positive Law to some particular case; thus claiming the reverence of every rational being under pressure of moral obligation.

Well, now, the dictate of practical reason has no power in itself to create moral obligation. It but binds in so far only as it exhibits the Divine Natural Law inborn in rational nature and divinely sanctioned. Therefore finally, every Right, in virtue of its title, or inviolability, is founded and ultimately upheld by Divine Authority. All Right, then, whether we dwell upon the law which creates it, or upon the moral power in which it essentially resides, or finally, upon the title or objective moral dictate or truth on which its inviolability rests, verifies to the full the teaching of the Apostle of the Gentiles, that all power—all Right—is mediately or immediately from God.

From this truth, as from an established premise, we gather our last principle touching the true doctrine of Right, viz., that :

Right is not only logically—and, as some teach, in its original source—but essentially connected with morality ; that is, it is of the very essence of true Right to subsist within the objective moral order as a constitutive part of order.

In fact, those who do not confound Might with Right, admit at least a nexus in idea between the Moral and the Right, for it is pretty generally conceded that, in their origin, they are, as we have seen, both from God. But modern theorists stop here, and deny that there need be any real harmony in the actual function of Right and the obligations of Morality. They have gone so far as to contend that what they are pleased to call a Right can be plainly immoral and at distinct variance with the will of God as the author of the moral order, and, notwithstanding, remain a strict Right in the possession of all its prerogatives. Now, this is cer-

tainly false, if Right, besides emanating, like the moral order, from God, is, further, a constitutive part of this same moral order.

But there is no difficulty whatever in seeing that Right is, of a truth, a constitutive part of the moral order, if we but dwell upon (1) the final unity of the universal moral order, and (2) upon the manifest absurdity, not to say blasphemy, of any contrary hypothesis. For, in the first place, any Right which embraces certain objective rules of conduct by which rational creatures are, in any way essentially consonant with their nature, directed and controlled toward the final end of their creation, must necessarily be contained within the sphere of the moral order, as an essential part and special province of this same order.

Now, all Right does involve some such legislation. For Right is, when its final outcome and ultimate purpose have been told, occupied, after all, in the proper conduct and guidance of men towards their last end. Its guidance is not, it is true, general and in control of

the universal sphere of rational activity ; but it is special in so far that, within their own province, each one's Rights and Duties constitute, according to the individual exigencies of his social nature, the sum of those laws which govern him in the pursuit of his last end. It is evident, then, that its aim is, within a restricted or special sphere, essentially that of the moral order. Hence, it is either a merely vacant idea without a reality, or it is an essential part and a special province—the juridical department or constituent—of the moral order.

Any contrary hypothesis is, as we said in the second place, absurd, if not blasphemous, for the only contrary hypothesis is twofold : either that all Right is Positive Right, and this we have shown to be eminently false ; or that a moral or legal power may be a Right, and yet remain in antagonism with the moral law and order—this is absurd. It involves the possibility of a moral power which has no kinship in reality with morality. Nay, it is blasphemous, since it so construes the jus-

tice of God, as to make God, by His authorship of Right, ordain and sanction that which, as the author of the moral order, He forbids and condemns. It, therefore, follows that Right is embraced by the moral order, and that the juridical order is but a constitutive part of the moral order.

The Christian doctrine of Right, which we have evolved, is, of course, in opposition to nearly all the schools of modern juridical thought. I cannot enumerate them all, and will, therefore, content myself with a mere word upon the leading modern theories of right. These are the Materialistic, the Historic, the Rationalistic or Kantian, and the Pantheistic or Hegelian theory of the origin and foundation of human right.

I will not delay upon the materialistic theory. It is of Grecian and English origin, having for its ancient promoter, the Grecian sophist, Callicles, and its modern resuscitator, the English philosopher, Thomas Hobbes. Hobbes traces the source and reason of all Right to the supreme and invincible physical power of the supreme civil authority.

Its ground principle is so absurd, and the Materialism upon which it is founded, so absolutely impossible that it hardly deserves a notice, were it not that this principle, so generally denied in theory, is only too partizanly carried out by the civil power in practice. With this school, "Might is Right," an immoral, sceptical and Godless principle, repugnant alike to reason, justice, and the common sense of mankind.

The Rationalism of Kant is more elevated in its concept of Right, but equally false with Materialism as a doctrine of Right. Kant's juridical theory is apiece with his ethical doctrine. The basis of all morality, in his opinion, is, as we treated above, the internal liberty of the rational being. In this it rests, as in its final object. All Right, in like manner, has its foundation in the external or relative liberty of the human being. His concept, accordingly, of the juridical order is that of a legal mechanism in which the external liberty of every individual is supposed to coexist with the external liberty of every other individual. Hence, his

definition of Right, that it is "a complexus of those conditions under which the liberty of one individual subsists simultaneously and harmoniously with the liberty of every other individual." Since, however, the idea of coactive inviolability is essential to every law, this definition he explains by the following one that "strict Right is the simultaneous possibility of the mutual coercion of all, and the liberty of each one." From this twofold definition, he gathers the first principle of the juridical order that, viz., an action is conformable to Right, or that a human agent is acting within his Right, the free exercise of whose action is compatible with the existence of the freedom of everybody else. Hence, finally, the general law of all Right is, according to Kant: "So to act exteriorly that the enjoyment of your liberty may harmoniously coexist with the liberty of every other individual."

Now, this theory is seriously false in its philosophic basis. It supposes the absolute independence of the human will, that is, that it is self-subsisting and an end to itself. All this is false, as we

have shown in our lecture upon the Moral Standard. For the will, like the nature of which it is a faculty, is created, mutable, subject to passion, and finds the complement of its perfection in something outside of itself. Moreover, this doctrine evidently divorces Right from Morality, placing its origin in the external principle of mutual coercion. It neutralizes, therefore, the moral efficacy of Right and practically reduces Right, with the Materialists, to mere Might, that is, to the simultaneous co-active power of our fellow-beings. Finally, by making individual liberty the end of Right, it divorces the will from the end set for it by the Creator, and, in so doing, uproots the ultimate foundation of all moral efficacy and obligatory force. Add to this the practical conclusions which flow from it, and it becomes evident that it destroys the very concept and sanctity of all Right. For, on the Kantian supposition, the most criminal actions—those which affect the sanctity of marriage, usury, suicide, homicide, concubinage, and other abominable deeds, would

be legal and within the province of legitimate and genuine Right, provided they were committed by mutual and common consent; provided, that is to say, their voluntary commission on our part harmonized with the simultaneous coactive power of the liberty enjoyed with us, by our fellow-beings.

There naturally sprang up a reaction against a theory of Right, which involved so broad and immoral conclusions. This reaction gave rise to the Historic School of Right. The name of "Historic School" attaches to the profession of this doctrine from the methods which it pursued in the study of Right. This school repudiates the study of Right from the original sources of God, rational nature, and the moral order. It, on the contrary, founds all Right in custom and the historic phase and character of legal statutes. In its earlier stage, this school, whose aim was wholesome—a reaction against the Rationalism of the Kantian School of Jurists—was represented by abilities as distinguished as those of De Maistre, De Bonald, Edmund Burke, Adam Müller,

and Ludwig de Haller. Later, its most distinguished support has come from De Savigny and Frederic Julius Stahl.

Consistently with its methods and the sources from which it derives all Right, this school teaches, firstly, that all Right is positive, depending, as it does, from the laws and customs of peoples.

It teaches, secondly, that the juridical order, although ultimately founded in the moral order, or rather, in the order instituted by God, is, in its specific character of juridical order, independent of morality to such an extent even that, when in conflict with the moral order, it does not lose its juridical force and value.

It teaches, thirdly, that the dictates of the Natural Law have not any juridical value or universally binding force, inasmuch as they are not definite enough, nor objective, nor are generally acknowledged. They are, at most, but the initial formative principles of Right.

Fourthly, it teaches that Right is to be studied and can be understood only from the organic evolution of a people's spirit, as illustrated, first, in its customs

and, later, in its laws. For the Right founded in the customs antedates the Right founded in the laws of a people.

Finally, it teaches that the defects or wants experienced from the indeterminateness and inefficiency of the Natural Law, are supplied by the Divine and Ecclesiastical Law.

This doctrine we have already confuted. Its ground principle is, clearly enough, juridical Positivism, viz.:—that there is no natural Right; but that all Right is positive Right. Secondly, like the Kantian principle which it aims to confute or at least to counteract, it divorces the juridical from the moral order. At the same time, however it traces all Right to the Divine Authority, thus setting up doctrines so at variance with themselves, as we have shown, that they involve either a flat contradiction or a blasphemous construction of the sanctity of the Supreme Law-Giver, or, more correctly, both.

Moreover, the rejection, by this school, of the dictates of natural Right, is merited indeed by the Kantian nat-

ural Rights founded upon the autonomy of pure reason. These are indeed indefinite, not objective, unknown and without universally binding force. But it is utterly without reason to reject Rights founded upon the clear dictates of the Natural Law. These, as I have shown, are definite, objective, known to all men and equipped with a binding force as universal as the Divine Authority, the moral dictates of rational nature, and the moral order itself, in which this obligatory force is founded. As to the spirit of a people being the scientific source of the true knowledge of Right, it is true, I admit, that, often, we may gather from the features of this spirit what is the nature of the positive laws, customs, and therefore Rights of a people; but we cannot always do this from the merely historic fact of the existence of such a spirit among a people. For often enough, laws are imposed and customs introduced among a people, which are at variance with the spirit of that people.

Moreover, even with regard to those positive laws and in consequence, those

Rights, known through the spirit of a people: the spirit of the people is often, indeed, a witness to the fact that such was the law or Right, but it never can be a criterion by which to ascertain whether this or that law or Right was, in truth, a genuine, a true, a legitimate Right.

Furthermore, and finally, the method which this school supplies, the assumed deficiency existing in natural Rights, by a recourse to Divine and Ecclesiastical Rights, is unsatisfactory, inasmuch as many of this school deny the existence or do not recognize the juridical supremacy of God, revelation and the Church. It is, moreover, an inconsistent subterfuge, inasmuch as it is an effort to safeguard certain inherent and inalienable Rights of man, without, while so doing, admitting the Natural Law, which is the only true basis upon which their inalienable character can be consistently founded. It is, further, a very lame effort to explain the effects of natural Right, without conceding such Right to be a cause of these effects.

Finally, it is impossible as a consistent theory, as long as there is no moral obligation to admit the validity and efficacy of the Divine or Positive Ecclesiastical Right. Nay, in its ultimate outcome, the Historic Doctrine of Right differs but perhaps in its evolution, from the Pantheism of the Hegelian theory of Right.

Now, Hegel is but an improvement upon the Pantheism of Schelling. Schelling is the pure outcome of the Rationalism of Kant and Fichte, and Kant, as we have said, grounded all Right upon the external harmony of individual liberties, or upon the simultaneous coerciveness of all the free wills constituting a social multitude.

Hegel, establishing as his primordial principle, "The absolute thought or the 'to think' without a thinker, as the starting point of all philosophizing, divides philosophy (1) into the science of Logic or the science of the idea by itself and for itself ;" (2) into the science of Natural Philosophy or the science of "the idea in its contradictory, the non-idea as existing in another," and (3)

into the science of spirit, Psychology, or the science of "the idea returning into itself."

This science of the spirit is again threefold: (a) the philosophy of the Subjective Spirit, (b) the philosophy of the Objective Spirit, and (c) the philosophy of the Absolute Spirit.

Within the sphere of this last philosophy we find the Science of Right, whose first principle, therefore, is the existence of the universal, impersonal Will outside of which individual wills have no true being; or, which is, with Hegel, identical, it is the absolute existence of all the possible determinations of individual liberty. These determinations have an intrinsic, essential relation to the absolute or subjective free Will, such that the relation of these determinations to the absolute or subjective Will, constitute the inherent Rights of the absolute or subjective Will.

Right, thus conceived, has a threefold manner of existence. It exists, first, independently, and in itself; and in this manner of existence it exhibits

formal or absolute Right. It exists, secondly, as the determining motive of human wills; in this state of existence it is morality. Finally, it exists as historically manifested in the life and social institutions of peoples. In this mode of existence, it is denominated "Ethos," or juridical custom.

Now, Hegel's abstract or formal Right is Kant's pure Right of nature or natural Right. Its root is personality, and its first principle analagous to the Kantian first principle of Right, viz.: "Be a person yourself and consider everybody else a person." Hegel's "Morality" is the motive which urges the determinations of the absolute or the human wills to become identical with the absolute Will. His Ethos, however, or juridical custom, is the true root of Right, as we understand Right. Accordingly, Hegel's "Ethos," is the idea of the absolute, free, impersonal Will made mundane, or realized in the actual world. It is, in his system, the ultimate, and most perfect expression of the Absolute or "All-Spirit."

Now, there are three grades of this evolved and actualized Spirit or absolute impersonal liberty, viz.: the family, society, the State.

The family is the immediate or natural, ethical spirit, whose aim is an imperfect union of personal wills with the absolute Will by mutual love.

Society is the mediate, ethical spirit, whose end is a loftier but yet an imperfect union of personal wills with the absolute Will by the mutual removal of all impediments to the pursuit of individual ends.

The State is the supreme grade of ethical being, or the ethical spirit. It is the finished reality of the ethical idea; the reality of the substantial absolute Will.

It is therefore the State which, of itself, is the rational being, the absolute End-in-Itself, the term in which liberty attains to its highest Right. The State, therefore, possesses the highest jurisdiction over all other wills, that is, over all determinations of the absolute liberty or Will, so that the highest duty of these determinations is, in conse-

quence, to be conformed to the absolute Will or to the will of the State. The ultimate destiny, therefore, of man, is to be a member of the State; for the State, according to Hegelians, is the absolute spirit existing in the world and consciously realizing itself in the world. The State, in a word, is the Divine will, as spirit present in the world, and evolving itself into the real and organic form of this visible world. Hence, in the Hegelian theory, all Right is identical with the will of the State, and, therefore, the State is the source of every individual Right. This is in practice, abstruse and transcendental as it may seem in theory, the doctrine of Right which rules the world to-day. In strictness, it is, anyone would say, but an exaggerated structure of overwrought fancies, a mere poetic juggle with terms and ideas.

If, then, it deserves to be counted and treated as a philosophy, it becomes, at the same time, evident that it is a philosophy which exhibits the most licentious form of Pantheism. As such, therefore, it simply eliminates the very

postulate and groundwork of all Right, the liberty of the individual will. For there is indeed no liberty possible where not only each determination or exercise of created wills is a necessary phase of the absolute impersonal Will, but where, furthermore, the very reality and existence of these wills is nothing but the same necessary expression of the absolute Spirit necessarily evolving itself, first, into the individual, then, into the family, later, into society, and, finally, into the State.

Moreover, it is a contradiction in terms, for in this theory, individual wills enjoy freedom, and yet they are at the absolute disposition of the will of the State. Besides its pantheistic feature, or, rather, as a consequence of its Pantheism, the Hegelian doctrine of Right eliminates the idea of God. For the Absolute or Spirit which it substitutes for God is, in the first instance, a mere idea ; nay, furthermore, it is an idea without an object with which it deals, and without a subject whose idea it is. It is a thought without a thinker and without an object

to think upon. It is not simply fiction, but, even for the most fair-minded and unbiased, it is the most intangible of fictions. It eliminates the idea of creation, for it removes the Creator. All religion accordingly, every idea of a Church, every notion of ecclesiastical law, is equally eliminated or denied, and the laws and the Rights founded upon them simply reduced to hollow expressions. It is a doctrine which evacuates the immortality of the soul, and with it, the idea and sanction of a future retribution. In it the possibility and the fact of a revelation is a mere nothing, and therefore the doctrine of a heaven and a hell becomes a traditional superstition.

A moral Conscience, in this system, is a figment of fanatic minds, and in its place is substituted a legal Conscience, not, however, founded upon the objective law of justice, and the final conditions of our rational nature, but upon the changeful will of the State.

The State, in this code of Ethics, is supreme. It is God. Therefore, identity with the will of the State is the

sum of human perfection. Its Rights supersede the inalienable Rights of the individual and the antecedent Rights of the family. Divorce is, accordingly, lawful, since marriage is placed within the province of the State. The State is the prime and natural educator of the child.

Liberty of Conscience is impossible, resting, as it does, upon the liberty of distinct personalities and the existence of a moral Conscience.

With these safeguards all removed, human society becomes, as a logical outcome, plainly impossible. There is no diversity of wills, that is, multitude of distinct individuals, all being but a necessary evolution of one and the same absolute Spirit or impersonal Will. There is no authority, inasmuch as the force which governs everywhere is the blind necessity with which the absolute impersonal Will is evolved, a necessity whose ultimate foundation is an absolute idea without a mind to think it or an object upon which it thinks.

But not to pursue still farther the series of simply outrageous sequences growing naturally out of this absolute Panthe-

ism, suffice it to say, in conclusion, that this doctrine, fostered perhaps unwittingly by the modern State, is, in Europe at least, culminating in a tyrannical Cæsarism, alongside of which there is, as its most natural counterpart and the necessary outcome of its encroachment upon the Rights of the individual and of the community, a deeply rooted and widespread Anarchy and Communism or antagonism of the individual and communal will to Cæsarism or the concrete expression of the absolute will of the State.

With these strictures upon the materialistic theory of the origin and nature of Right; upon the Kantian autonomy of Reason, upon the Historic School of Right, and upon the Pantheistic Cæsarism of the Hegelians, I submit the doctrine of Right, and with it, my course of lectures upon General Ethics.

As I proposed at starting, I have endeavored to be as comprehensive as possible in my matter, as plain and simple in my language as the matter would permit, and didactic rather than eclectic or polemic in my treatment.

For I was invited here to teach; and I would, I take it, have come very tardy off in my duty to you, did I indulge my vanity in the analytical pursuit of four or five moral subtleties, instead of covering, as requested, the whole field of General Ethics; or did I twist and turn, polish and refine my phrases into an unintelligible scientific jargon; or did I, finally, seek to impose my own doctrinal fancies, preferences or inclinations to find fault with those of other Christian moralists, instead of putting before you, in the capacity of a professor, the generally admitted doctrine of the unanimous body of moralists within the pale of Catholic Christianity.

That I have been so bold as to attempt to cover the whole field of General Ethics in five lectures, is explained by the following correspondence between myself and the Right Reverend President whose energy presides over and animates the work of this School. In reply to my request that he should suggest the ethical matter to be treated, monsignor wrote me "that the Committee on Studies desired to leave the lecturers

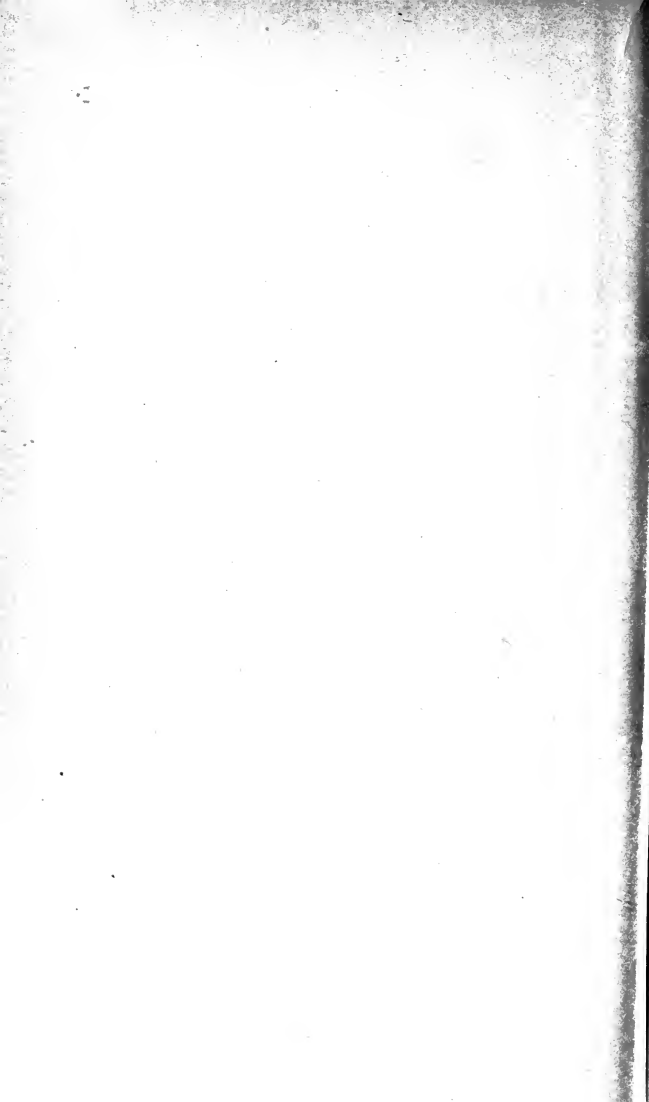
perfectly free in the choice of their topics." "You may therefore," he continues, "choose any part of Ethics for treatment. But profiting by your kindness in asking for a suggestion from me, I would like to see General Ethics or the supreme principles of that science developed at the first session. This seems nearly necessary in view of our expected audience, as well as of an orderly course to be followed out in the coming years; as Ethics, no doubt, will form a *regular* and *standing* topic of every year's session. You would thus lay the very foundations for the future lecturers in this branch of our work."

You agree with me, ladies and gentlemen, that I have taken the Right Reverend Bishop's suggestion. If I have not perhaps, as I should have, laid the foundations for the future lecturers in Special Ethics broad and deep, their genius and ability will, I am confident, supply this lacking breadth and depth, while their charity will, I am equally confident, condone my shortcomings and oversight; and thus, at some future session, repay your study and devotion.

Meanwhile, I thank you, ladies and gentlemen, for your considerateness to me, and will, with your permission, embrace this opportunity to compliment you most heartily upon your multitudinous presence, and upon the high order of scientific appreciation which has, even at this early date, established the future success of the Columbian Catholic Summer School; thus giving Catholic thought and educational enterprise a new and a higher prestige, not in Wisconsin only, but in the broad and noble West and throughout the length and breadth of our free, our native land.

LITERATURE

ANALYTICAL INDEX



LITERATURE



FOR the convenience of those who may find leisure to pursue a course of reading in connection with these Lectures, or who may desire to devote more time and study to the doctrine set forth in them, the following references will, it is hoped, not prove entirely without advantage. The authorities quoted are, almost without exception, conservative, up to date, and representative. For obvious reasons, they are mostly Catholic. To preserve some little show of method in referring to them, complete works on Ethics are placed first; these are followed by Review Articles bearing upon the subject-matter of the Lectures, which have been selected from the leading Catholic periodicals in English, French, Italian and German.

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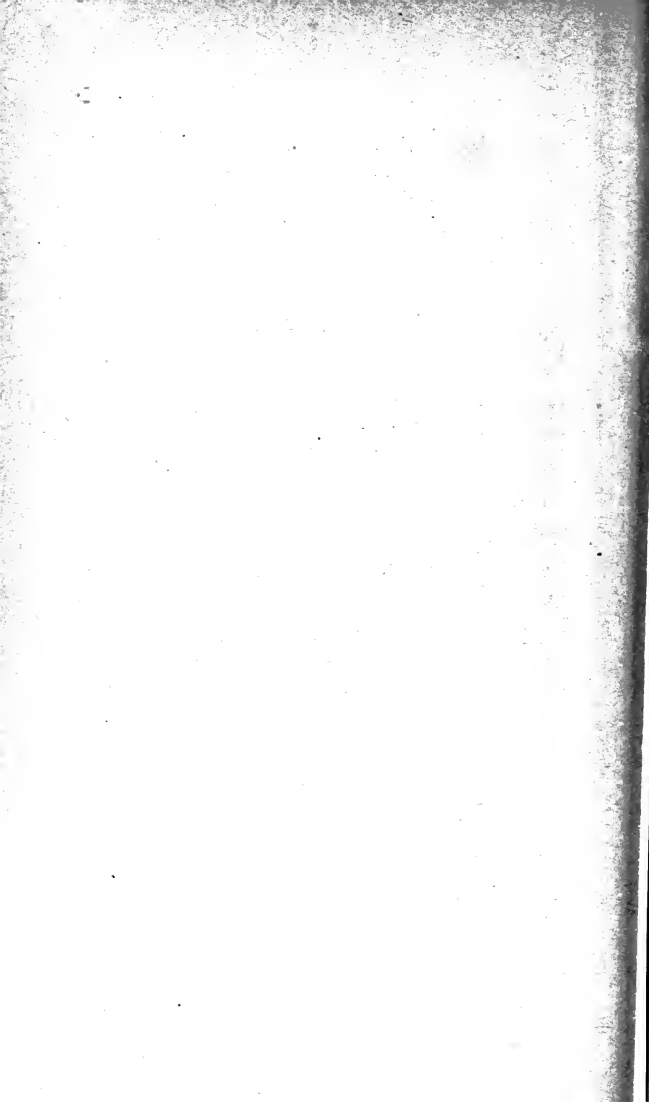
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Spencers, 28 Bd., s. 225; *Wahlrecht und Wahlpflicht*, 29 Bd., s. 105; *Die Gesellschaft für Ethische Cultur*, 44 Bd. ss. 385, 517; *Die Idee der Gerechtigkeit in den Socialistischen Systems*, Bd. 43, ss. 401, 465; *Die Zweckordnung in der Natur*, 11 Bd., s. 292; *Kultur, ein Modernes Schlagwort*, 3 Bd., s. 1; *Die Wahre Kultur*, 3 Bd., s. 125; *Der Cæsarismus*, 3 Bd., s. 393; *Die "Cultur" und das Cultur-Examen*, 19 Bd., s. 125; *Das Dogma und die Moral*, 12 Bd., s. 528.



ANALYTICAL INDEX



Lecture First

CHRISTIAN Ethics assumes from Natural Theology that there is a God. From Cosmology it further realizes that this universe of things came out from God and will return to Him in virtue of an order founded in creatures themselves, revealed in their native propensities, and to be eventually realized in the possession of that object whose fruition is ordained to constitute their final perfection. Man is no exception to this origin and destiny. Like other creatures he came forth from God with an end to reach in the exercise of his native powers. This end which we are finally to determine from the specifying elements of his activity—his reason, his will, and its object, the “all-good”—is proximately and subjectively identical with his inborn appetite and pursuit of happiness. As, however, perfect happiness in its subjective phases, is the

knowledge and love of the supreme good, it is attainable by the fruition of no finite object, and cannot, in consequence, be ultimately realized during the term of man's present existence. His present happiness—for this life is not without its true felicity—is a dependent one. It rests, remotely, upon such security of future blessedness as his probationary life here shall merit. Proximately, and in point of fact, it grows out of the conformity of his human acts, or the life-sum of his human activities, with the moral order. Human actions, therefore, in conformity with the moral order, constitute the ethical basis of man's earthly happiness.

Not every action, however, emanating from man is a human act, nor, in consequence, a factor in his happiness, nor therefore the subject-matter of Ethics. A human act, from the ethical standpoint, must be, or is, ordinarily, a *free* act, and in every instance must be at least a *voluntary* action, that is one elicited, if not also "imperated" by the will under the guidance of a knowledge of the end which the action has in view.

Such an act, if elicited or even "imperated" by the will of man acting under the conditions, first, of a freedom from invincible ignorance, and secondly, of an immunity from so great a passion, fear, or violence, as would unhinge the reason, conduces to man's happiness in the proportion in which it is an ethically good or an ethically bad act.

The problem, accordingly, submitted in the study of Ethics is fourfold : (1) To determine what constitutes a human act, morally good or morally bad ; (2) to ascertain the ultimate source of the obligation urging man to do morally good and shun morally evil acts ; (3) to resolve how we are to know which acts, as they occur in the individual, are morally good and therefore licit, which are morally bad and therefore illicit ; (4) to fix the ultimate origin of the Rights and Duties by which man, in his social attitude, pursues certain lines of moral action, and is bound to fulfill a given class of obligations.

Lecture Second

That there are morally good and morally evil actions is a fact which is

hardly impugned. The controversies turn on the basis of this distinction. Positivist moralists repudiate a natural basis of morality. They found the distinction of good and bad in all human actions upon a positive law or decree. For the atheists and deists of this school—Rousseau, Hobbes, Spinoza—the source of this law is the human will; for the theists of this same school—Des Cartes, Grotius, Pufendorf—the Divine Will has decreed what is good and what is evil in human action. Evidently, however, this entire school of moralists begs the question, and further professes a thesis, which is not only false, but one which in its sequel is eminently absurd.

Morality, in fact, must, as all other schools insist, have a natural basis. But what this natural basis is, we find gravely misunderstood. Outside the Positivist school, indeed, all moralists found the distinction of good and evil in human action upon the inherent relation of the human act to man's chief good. The diversity, therefore, of conflicting views and, consequently, the

error into which they have fallen, is due to the nature of the object assigned as man's supreme good. Two schools prevail.

The first—Eudæmonistic—exalts temporal well-being into the position of the greatest good of man. One section of this school finds an action good or bad, in proportion as it promotes the well-being of the individual (Egoism); that is, in as far as it furthers either his sensual happiness (Hedonism) or, more generally, his manifold self-interest (Epicurism). The other teaches that it is good or bad to the extent to which it advances man's social well-being (Utilitarianism), which some—Cumberland, Shaftesbury, etc.—take to be “the furtherance of mutual benevolence among men” (Moral Empiricism); which others—Bentham, Mill, Bain, Spencer—look upon as “the greatest good of the greatest number” (Altruism), and which others, finally—the Leibnitz-Wolfian school—understand to be “the harmonic evolution of our social nature” (Perfectionism). This numerous school of moralists errs by

defect. For, while it is true that an action is in many senses good or bad in the measure that it promotes our temporal well-being, its essential morality cannot be measured by this standard. In actions whose good or evil does not grow out of the precept or prohibition of positive law, morality is immutably inherent. It cannot, therefore, be gauged by a standard which is inconstant, temporal, and subject to vicissitude. Hence, the radical objection to the Eudæmonistic school is that it places man's supreme good in a contingent and variable object of human endeavor.

The second — Deontologic — school seeks to avoid this error. It assigns a fixed and unvarying object through conformity with which man is rendered supremely happy, and his acts morally good. For one class in this school this object is a faculty—the Moral Faculty—ordained to approve or disapprove, and thereby determine what actions are good, what actions are to be judged evil. Reid, and with him the Scotch School, has termed this

faculty our "Natural Instinct of Morality;" Hutcheson calls it the "Moral Sense;" Schopenhauer has given it the name of the "Sympathetic Faculty," and Herbart has dignified it with the title of our "Moral Taste." For the other class, this object is a nature, or an absolute law, to which man is by his actions to ultimately assimilate himself. For Plato, this was the nature of God, the absolute good; for Zeno and the Stoics, man's nature, or the sum of our natural propensities; for the Pantheists—Schelling, Fichte, Hegel—the will of the sovereign State (Statolatry), the last expression of the absolute, and, finally, for Kant, the Categorical Imperative, or the absolute law or dictate, of Practical Reason. But it is evident that the professors of this school who assign a sensitive faculty as the ultimate criterion of good and bad in human actions, falsely assume that morality is a sensitive property falling within the sphere of sense-perception. On the other hand, no human act will liken man to God in the Platonic sense. The Stoic principle is the pure law itself of

wickedness, while the Pantheistic basis, besides eliminating free will, the very subject of moral acts, postulates all the fictions of the Idealistic system. Finally, the Purism of Emanuel Kant erroneously advances that, notwithstanding the fact of a God, the law of Pure Reason is something absolute. It, moreover, requires in human actions the practically impossible, viz., that man's actions be not only moral, but each one perfect in its morality. This standard, further, renders a relatively inferior moral act an immoral one, and it confounds the mere character of morality in actions with the grade and excellence of their moral goodness.

Yet, even for Christian moralists, the ultimate ontologic basis of morality does, in the very nature of things, reside in the relation of human acts to some absolute objective principle. Moreover, this principle, in its formal and absolute expression, can, as they argue, be no other than the Divine Goodness, or, which is tantamount, the Divine Nature conceived as the absolute sanctity and absolute order adjust-

ing all action, within and without God, to its appointed term. In its more immediate expression, this same ontologic standard is the *objective order of things itself*, exhibiting, as it does, on the one hand, the wisdom and sanctity of the Divine Ordinator, and on the other, the nature, laws and propensities of created things to fulfill their appointed ends. Since, however, this objective order must, in its character of criterion, be known to the moral agent, or, further, have also a logical basis, and, as the agent is of necessity guided in his actions by his practical reason, the logical, though dependent and relative, Standard of Morality is the *objective order of things as known to the practical reason*. This knowledge is one with the "*evident principles of our practical reason*," which is, therefore, another, and, perhaps, more familiar expression for the same logical criterion of morality. Finally, as the normal man acts only in so far as his reason is informed with these self-evident, practical first principles, or with the objective order of things, the last, and still

more familiar expression of the generic criterion of good and bad in the human act is its conformity or difformity with reason, or with man's rational nature.

The specific criterion of morality is the standard by which we ascertain the morality of a given individual act. It lies in the conformity or difformity of the act with the moral order or general standard. To ascertain, however, whether this conformity exists in any given act, we must be guided by the object which specifies it, the end it has in view, and the circumstances in which it exists.

Generically speaking, therefore, the criterion of good and bad in any human action is its conformity or difformity with reason, or the objective order of things. Specifically considering, however, this or that act, the criterion of its morality is the collective morality of its object, its end, and the circumstances under which it is performed.

Lecture Third

Man is not at liberty to observe or ignore that which his Moral Standard has defined. He must "do good and avoid

evil," for the moral criterion is but a speculative rule guiding his judgment of good and bad in human actions. It does not control his practice. This argues the necessity and the existence of a force founded, like the ethical norm itself, in the very nature of things, and ordained to so govern man's will as to reduce his theory to his practice of moral conduct. This force we term moral obligation. It is the universal motive for which, mediately or immediately, we "do good and avoid evil." When analyzed it exhibits a fourfold element. It implies an author by whom the obligation is imposed; the moral order which it aims to promote; a rational nature which alone it effects; and the moral ligamen or virtue in which it formally resides. It is, accordingly, not inaptly defined: "a bond imposed by the author of nature upon man, constraining him either to freely observe, or, of a necessity, to submit to the divinely instituted order governing all things."

Evidently, therefore, this moral necessity is, in virtue of the object it has in

view, directly or indirectly, proximately or remotely, the ground-motive or coercing necessity wherever moral conduct is enjoined. For, on the one hand, the last appeal in any moral act, from whatever source ordained, is to the integrity of the moral order involved in the act.

On the other hand, however, all order touching conduct whether ethical or juridical, is based finally upon the divinely instituted objective ordination of all things to their appointed ends, the lowest by the middlemost, the middlemost by the highest. Every other obligation, therefore, is finally grounded upon this natural obligation to maintain intact the order which God has put into all things.

It is evident, however, that a principle or necessity of this broad coercive force supposes a source or origin in nature itself with which it is at root identical, and from which it springs as from an immediate cause.

Obligation connotes law; therefore, the origin or source of moral obligation is the Natural Law. Its existence has,

it is true, been impugned. But that there is a law of nature is a conviction co-extensive with mankind itself. Moreover, the internal experience of every man attests it. The fact, further, that man was created by God and for God as an end to be attained through the regulated use of his rational activity, confirms it. Nay, its very analysis, apart from any other argument, sufficiently evinces its necessity and reality. It is an immutable law, and in its first principles is so self-evident that its most general precepts cannot be invincibly ignored by any normal man.

Thus among these universal precepts, the very first, most evident, and that one in which man's moral obligation to moral conduct is prescribed by nature herself, is the principle, "Maintain the divinely founded and sanctioned order of things." It is termed the First Principle of the Natural Law, and is the root of all moral obligation. For the ground-motive, to which all moral conduct is to be finally referred, should be a principle so reductively ultimate, that it exhibit that which, in every

matter of law, is ordained by reason of itself, and is, moreover, the last motive which can be assigned for all that is naturally ordained or forbidden. It should, further, be a principle underlying all the natural Rights and Duties of man; and finally, one which in the practical order is so self-evident that it in no way leans upon another more patent and conclusive than itself.

Still, neither the first principle of the Natural Law, nor the law itself, is more absolute than the nature and order in which both are founded and for which they legislate. They suppose a source, a Mind which has conceived, and a Will which has decreed, both the nature and order we find in things. Such a source can be but the Eternal Law of all things existing in God, which is, accordingly, the absolute origin of all moral obligations, and the final motive why man must "do good and avoid evil."

That there is an Eternal Law is beyond all controversy for those who admit a God, Who is at the same time an all-wise Creator of nature and nature's powers and laws.

Some — prominently Kant, in his “autonomy of pure reason,” — have repudiated the Eternal Law as the source of moral and juridical obligation. Kant has substituted the autonomy of pure reason, a doctrine of lay-morality and lay-rights which divorces Ethics, Right and Jurisprudence from Conscience, Religion, God. It is plain, however, that a doctrine which ignores God is adverse to the very concept of moral obligation. Moreover, this autonomy of pure reason assumes that man is an end for himself; and even from Kant’s own standpoint, the theory is one which is self-contradictory and fatalistic, if not pantheistic in its outcome.

It remains true, therefore, that the proximate source of moral action is the obligation of the Natural Law, which, with St. Thomas, we define to be a “participation of the Eternal Law in the rational creature.”

Lecture Fourth

The Standard of Morality determines which human actions are morally good, which morally evil. The Natural Law

founded on the one hand in rational nature, and on the other emanating from the Eternal Law, furnishes the objective, ultimate basis of the natural obligation which enjoins morally good actions and prohibits morally evil acts. Yet, neither the Moral Standard nor the Natural Law adjudicate finally upon personal conduct or individual actions. This decision calls for a tribunal subjective to the individual, or for an arbiter that will determine, for his personal guidance, which acts of his in the light of the moral order are licit, which acts are to be omitted as illicit.

This judgment is the province of the human Conscience. Some have called Conscience a faculty, but it is psychologically considered an act only of the practical as opposed to the speculative reason, by which the principles of the Moral Standard are applied to and made to inform our individual actions. Inasmuch, now, as these actions may be acts already performed or still forthcoming, this judgment may be either retrospective or prospective. The former is the accusing or consequent, the latter the

antecedent or directive Conscience. This latter Conscience is man's proximate rule of action and the formative principle of his moral conduct.

Conscience, considered in this light of a guide to individual conduct, may, from the standpoint of the objective truth of our moral judgment, be *right* or *wrong*. It may, looked at in this same light, be a *certain* Conscience, a *doubtful*, or a *probable* one, according to the firmness of the assent which we lend to our moral judgment of an action. Finally, if we dwell upon the habit which it induces in the soul, the Conscience may be *tender*, *lax*, *scrupulous*, or *perplexed*. In all these conditions it remains physically at least our guide in moral conduct.

But while it is evident that Conscience, in certain of these states, cannot be a trustworthy guide in moral actions, and an unbiased tribunal, it always and everywhere remains true that Conscience, on the one condition that it is morally certain, is the proximate rule of human action, and is for this reason that Conscience which we are at liberty to fol-

low or not when it permits an action, but which we must follow when it commands or forbids it. Conscience then, for the individual in question, carries with its dictate the force of a moral obligation. For Conscience is the law itself applied to our individual actions, permitting them, enjoining or forbidding them. Where, then, the application is clear, and the permission, injunction, or prohibition is certain, Conscience binds with all the force of the law involved.

While, however, Conscience, in this way, adjusts our single actions to the moral standard, and, in virtue of the law whose concrete application it is, urges to good and restrains from evil, it leaves the will physically free. In this freedom of the will under the law of Conscience to conform or not conform its acts to the moral order, is rooted the first feature of all moral acts—their imputability, or their attribution, to the moral agent for praise or blame, an imputability which extends, not merely to the act itself, but to its natural and consequent effects. In virtue, in turn,

of the imputability of the same act, we gather its merit, or demerit, the second characteristic of all moral acts. For every moral act to the extent, first, that it is imputable, and, secondly, in so far as it promotes a gain or entails a loss not already and in every sense due or incurred in the order of strict justice, is everywhere, even with God, deserving of merit or demerit.

Conscience alone, however, will not render man's conduct unfailingly moral. It is an efficacious law securing conformity with the moral order only where man is disposed to follow its dictate constantly, promptly, and with a relish to act according to reason. Now, the moral virtues alone create this disposition. Hence their necessity and, further, their number, for there are four powers invariably concerned in the activity of man's moral life : his reason, and this is perfected by the moral virtue of prudence ; his will, which is disposed by justice ; his concupiscence, which is restrained by temperance ; and his irascible appetite which is governed by the virtue of fortitude.

Genuine virtue, moreover, connotes religion ; for virtues, writes St. Augustine, which are uninformed by religion, are but "splendid vices." And finally, in the present order of Providence, which is based upon the law founded and sanctioned by Christ, no virtue uninformed by Christianity can be acceptable to God or salutary in view of the supernatural destiny of man.

Lecture Fifth

To the moral obligation arising from the Natural Law, we trace the primitive source of all man's natural and even positive Rights. This links and subordinates the juridical to the moral order and justly founds the doctrine of Right upon the principles of Ethics. For Right, if we analyze it, aims, in the mind of the Supreme Ruler of the moral world, at the foundation of a just social order among men and at its maintenance amid the vicissitudes of human liberty. To this end, therefore, it endows the factors of society, both singly and collectively, with inviolable moral powers to possess, enact, require whatever is

due to the legitimate exercise and fulfillment of private and public duty. In its concept, accordingly, Right connotes Duty.

Duty, in turn, is so involved in the moral order that all duty is to such an extent ethical in its basis, that there is no veritable duty where there is no moral obligation binding upon the Conscience. Moreover, from this reciprocity of Rights and Duties spring those juridical relations, which govern man in his social environment and the sum of which constitutes the juridical order. This order, therefore, like the moral powers or Rights and Duties of which it is integrated has its root in the moral order. For its salient element is Right. Now every formal Right, in its native character of Right, that is, looked at from the standpoint of its irrefragable force and vigor, emanates in the end from, and subsists by, Divine Authority, whatever be its immediate origin or the proximate source from which it has, in its individual shape, received its definition and formation as a principle of conduct.

Of its very nature, therefore, Right and the juridical order are essentially wound up with morality, and do not, therefore, subsist apart from the moral order, but, as a constitutive part of it, are embraced within the compass of that manifold natural obligation, whose proximate basis is the Natural Law, and whose ultimate source is the Divine or Eternal Law.

As a consequence of this ethical character of Right, that coercive inviolability, which is an essential note of every legitimate Right, so substantially subsists independently of any physical ability to efficaciously exercise its constraining virtue, that any Right resting upon a sound title remains intact and in force, although by accident it becomes destitute of all private and physical support.

In view, therefore, of its ethical origin and virtue, it is a fundamental misconception, introduced by the atheistic Naturalism of Hobbes and Rosseau, to found Right in the Supreme Civil Power. Moreover, to set down with Kant "the law of equal freedom" as the basis of

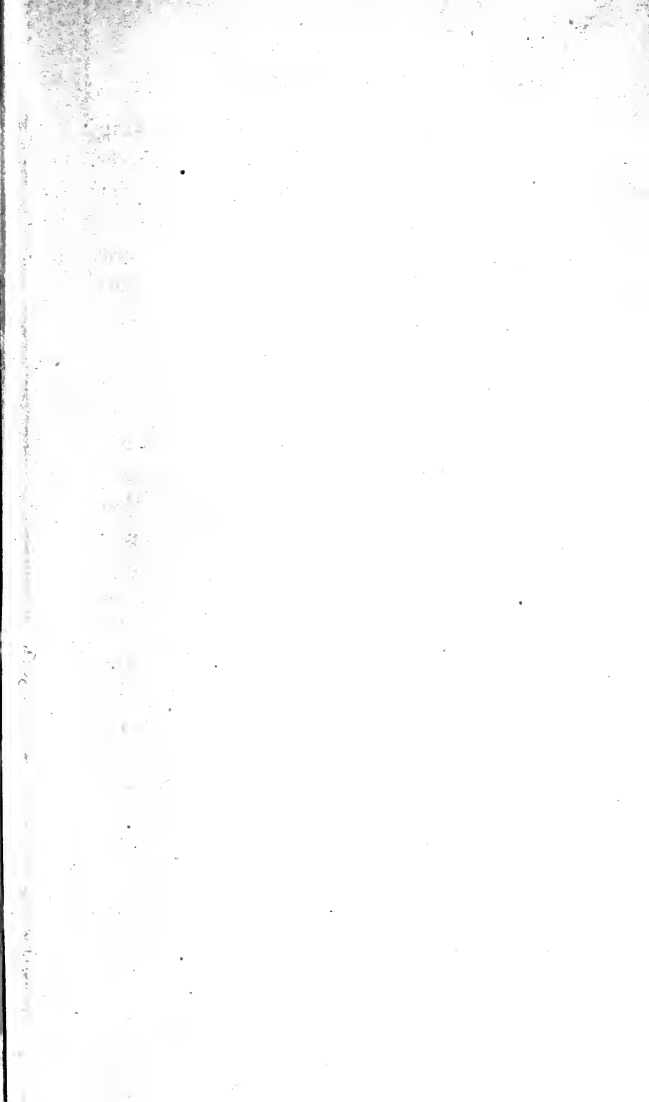
Right, is to divorce the law of a people from its morals, and is, in principle, Anarchism.

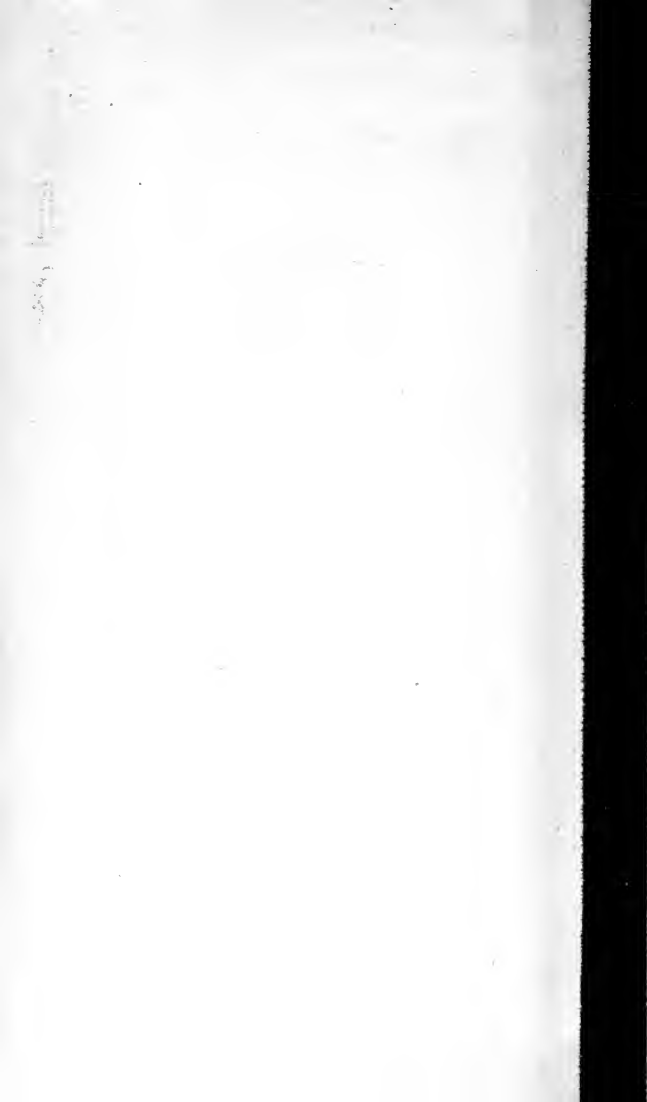
The "Social Compact" theory, to which Grotius, Pufendorf, Austin, and, in his own sense, Herbart trace the source of Right, rests, like the doctrine of Hobbes from which it springs, upon a materialistic concept of man's nature, a false origin of society, upon the Kantian postulate of personal liberty as an *end in itself*, and upon the promotion of this liberty as the principal object of the juridical order.

As to the pantheistic principle of Right evolved by Hegel—that all Right is identical with the State, as the ultimate ethical evolution of the Absolute—while it may be popular with the Cæsarists and with Statolaters, it leads to Socialism, and while it canonizes political despotism, it simply eliminates human liberty, and ignores the existence of moral obligation, religious and ecclesiastical Rights.

All these theories of the origin of moral obligation assume that all Right is positive. Now, there are Natural

Rights, remotely at least, underlying all Positive Rights, which, in themselves and independently of any and every positive ordination, are possessed of genuine juridical force, for the first principle of Natural Right—and in virtue of their necessary affinity, the ground-principle of Positive Rights is identical—may be formulated in this universal juridical law: *The right order of social existence must be maintained.* This is a principle which is broader, deeper, more in accord with reason and nature, than the lay principle of an inviolable personal liberty. It truly, therefore, subordinates Positive to Natural Rights, the juridical to the moral order, and ultimately founds human Rights and Duties where these in the nature of things can alone be justly based, that is upon the principles of the Natural Law and the immutability and sanctity of the Eternal Law of God Himself.





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